FINDING OF NO SIGNIFICANT IMPACT
Proposed Construction of Border Patrol Station, Eagle Pass, Texas

PROJECT HISTORY: The Immigration and Naturalization Service (INS) is planning the construction of a new U.S. Border Patrol (USBP) station on Farm-to-Market Road (FM) 1021 in Eagle Pass, Texas. A draft Environmental Assessment (EA), prepared in June 2002 addressing the proposed project was submitted to regulatory agencies and made available to the general public for review and comment. During the review period, it was decided that the new station might include a firing range in the future. This had not originally been included in the Draft EA. A Final EA noted the potential for the firing range and stated that if it is to be included in the future, it would be addressed in a supplemental EA to this Final EA. This Final has been submitted for agency and public review. This EA addresses the construction of the new station and its support facilities.

PURPOSE AND NEED: In order to effectively combat the increase in illegal activity in the Eagle Pass area, USBP has dramatically increased its presence in the area. The current U.S. Border Patrol Eagle Pass Station no longer accommodates agents and other USBP staff at its design capacity. The station was originally intended to house approximately 75 personnel, while the number of USBP agents and staff in Eagle Pass has increased to over 300 (as of February 2002.) Further, the current station site provides no room for expansion. The construction of a station at a larger site is necessary to accommodate the needs for the rapidly growing border patrol sector. The Proposed Action is to provide the USBP with a modern facility that will alleviate overcrowding and allow for the housing of state of the art equipment for surveillance monitoring.

PROPOSED ACTION: The Proposed Action includes the construction of a new border patrol station located approximately one mile south of the City of Eagle Pass on FM 1021. The new station itself would include, among other features, offices, storage and file rooms, a public lobby, a squad/muster room, a training room, a field support room, a fitness center equipped with lockers and showers, and an area for holding and processing detainees. Associated support features that would also be constructed include a vehicle maintenance facility, a helicopter landing pad and fuel, a fuel storage area, a kennel, an impound lot, and separate parking lots for employees, government vehicles, and the public.

ALTERNATIVES: Alternatives carried forward for analyses in the EA include the No Action and the Proposed Action alternatives. The No Action alternative will not satisfy the USBP's need for additional space. Of the alternatives considered, the Proposed Action will most effectively allow the USBP to fulfill its mission.

ENVIRONMENTAL CONSEQUENCES: No significant adverse affects to the natural or human environment are expected upon implementation of the proposed action.

FINDING OF NO SIGNIFICANT IMPACT
Proposed Construction of Border Patrol Station, Eagle Pass, Texas

MITIGATION MEASURES: Environmental design measures to be implemented for the proposed actions include the following:

1. Impacts on water resources from erosion and sedimentation would be minimized through the implementation of standard construction procedures. Storage or staging sites would be located at least 0.50 miles from wildlife or livestock tanks or other permanent surface water bodies to reduce potential effects of accidental spills. Conservation measures would be implemented to preclude unnecessary waste of water supplies. Discharges of gray water and other wastes to drainages or other water courses/bodies will be prohibited. Portable latrines, provided and maintained by licensed contractors, would be used to the extent practicable during construction and operational support activities.

2. Mitigation measures would include dust suppression methods to minimize airborne particulate matter that would be created during construction activities. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions. Standard construction practices would be used to control fugitive dust during the construction phases of the proposed project.

3. Impacts to existing vegetation during construction activities will be minimized through avoidance. Disturbed sites would be utilized to the maximum extent practicable for construction and operational support activities. Additional mitigation measures will include best management practices during construction to minimize or prevent erosion and soil loss.

4. Noise impacts on construction personnel will be minimized by requiring that earplugs be worn by employees working in environments with continuous noise levels of 8 hours per day above 90 dBA, in accordance with Occupational Safety and Health Administration regulations. Impacts on the surrounding area will be minimized by establishing time limits for on-site construction activities. On-site activities will be restricted to daylight hours on Monday through Saturday, except in emergency situations, and only maintenance of equipment permitted on Sundays. Additionally, all construction equipment will possess properly working mufflers and be kept in a proper state of tune to reduce backfires.

5. It is not anticipated that any mitigation will be required to address impacts on cultural resources. If buried cultural material, including human remains, is encountered at any place, however, work in the vicinity will cease immediately and the stipulations of the Native American Graves Protection and Repatriation Act will be implemented.

6. Proper maintenance of construction equipment and best management practices during construction activities would be used to minimize the possibility of accidental spills of fuels or lubricants that, if they occurred, could affect surface and ground water quality.

The U. S. Army Corps of Engineers, Fort Worth District On-Site Contract Representative will ensure compliance of all mitigation efforts within the construction contract.

FINDING OF NO SIGNIFICANT IMPACT

Proposed Construction of Border Patrol Station,
Eagle Pass, Texas

Finding: Based upon the analysis provided by the EA for the construction of the new USBP Station in Eagle Pass, Texas and the environmental design measures incorporated as part of the Proposed Action, the Proposed Action will not have any significant impacts on the human environment. Therefore, no further environmental impact analysis is warranted.

Kenneth R. Ehinger, Director
Headquarters, Facilities and
Engineering Division

12/3/02
Date

FINAL DRAFT

ENVIRONMENTAL ASSESSMENT

PROPOSED CONSTRUCTION OF BORDER PATROL STATION IN EAGLE PASS, TEXAS

Prepared for:
U.S. Department of Justice
Immigration and Naturalization Service
Dallas, Texas

Prepared By:
U.S. Army Corps of Engineers
Fort Worth District

August 2002

DRAFT

ENVIRONMENTAL ASSESSMENT

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Ecological Communications Corporation
Austin, Texas
Project No. 011-018

August 2002

DRAFT
ENVIRONMENTAL ASSESSMENT
PROPOSED CONSTRUCTION OF U.S. BORDER PATROL STATION
EAGLE PASS, TEXAS

AUGUST 2002

Lead Agency:

U.S. Immigration and Naturalization Service
Headquarters, Facilities and Engineering Division
425 I Street NW
Washington, D.C. 20536

Responsible Official:

Kenneth R. Ehinger, Director
INS Facilities and Engineering Division
425 I Street NW
Washington, D.C. 20536

Environmental Officer:

Kevin Feeney
INS Facilities and Engineering Division
425 I Street NW
Washington, D.C. 20536

EXECUTIVE SUMMARY

The United States (U.S.) Immigration and Naturalization Service (INS) has contracted with the U.S. Army Corps of Engineers (USACE) to prepare an Environmental Assessment (EA) on the proposed construction and operation of a U. S. Border Patrol (USBP) station in Eagle Pass, Texas. This EA addresses site-specific actual and potential cumulative effects, beneficial and adverse, of the Proposed Action and Alternatives.[1]

The Del Rio Sector of the USBP, of which the Eagle Pass Station is part, is the third busiest Sector in the U.S., apprehending more than 150,000 undocumented immigrants annually. As a result, the USBP has increased its presence in the Eagle Pass area through the addition of more agents and staff. The present station was designed and built to accommodate approximately 75 USBP agents and staff. Currently, however, it houses over 300 USBP personnel. The proposed facility is needed, therefore, to reduce the overcrowded conditions and associated inefficiencies existing at the current Eagle Pass USBP Station. Lack of available property on or adjacent to the existing USBP station limits expansion at that location, and necessitates the development and construction of the new facility.

The Proposed Action calls for the construction of a new border patrol station located approximately one mile south of Eagle Pass on Farm-to-Market Road (FM) 1021. The new station would alleviate the strain of current crowded conditions. The proposed station would be located on an approximately 39-acre site in a rural area, allowing for the future possibility of expansion.

In addition to the Proposed Action, there were two other alternatives evaluated as part of this environmental impact analysis: 1) No-Action Alternative and 2) Alternative Construction Sites. The No-Action Alternative was carried throughout the analysis, and is reflected in the baseline environmental conditions of the area. Under the No-Action Alternative, there would be continued socioeconomic concerns relating to undocumented aliens entering the U.S., illegal drug trafficking, and associated criminal activity. The alternative sites were eliminated from further consideration without analysis because they would be too costly, had land use conflicts, or had greater potential for environmental concerns.

Based on the findings of this analysis, and assuming that all mitigation measures recommended herein are implemented, no significant adverse environmental impacts would occur from the Proposed Action. Increased or enhanced interdiction of illegal drug and alien entry and activities would have positive, indirect socioeconomic benefits.

[1] Note: this EA does not address the potential construction of a firing range on the site, which may be added to the proposed USBP station. Once the engineering plans are complete, a complete assessment of the firing range will be addressed in a Supplemental EA to this document.

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APPENDICES

1.0 INTRODUCTION

This Environmental Assessment (EA) evaluates the potential environmental impacts associated with constructing a new border patrol station near the City of Eagle Pass, Texas (Figure 1-1). The United States (U.S.) Immigration and Naturalization Service (INS), U.S. border Patrol (USBP) proposes to construct a new border patrol station on a 39-acre parcel located on Farm-to-Market Road (FM) 1021, approximately one mile southeast of the city limits (Figure 1-2).

This EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality (CEQ) Regulations for the Implementation of NEPA, and the INS' Procedures for Implementing NEPA (28 Code of Federal Regulations (CFR) Part 61).

1.1 INS ORGANIZATION

The INS has the responsibility to regulate and control immigration into the U.S. The INS has four major areas of responsibility: (1) facilitate entry of persons legally admissible to the U.S., (2) grant benefits under the Immigration and Nationality Act (INA) of 1952, including assistance to persons seeking permanent resident status or naturalization, (3) prevent unlawful entry, employment or receipt of benefits, and (4) apprehend or remove aliens who enter or remain illegally in the U.S.

To address the latter responsibility, the U.S. Congress in 1924 created the USBP to be the law enforcement arm of the INS. The mission of the USBP is to protect the U.S. borders through the detection and prevention of smuggling and illegal entry of undocumented aliens (UDAs), and interdicting persons and organizations that pose a threat to national security, with primary responsibility between the Ports-of-Entry (POEs).

Since 1980, an average of 150,000 immigrants have been naturalized every year. At the same time, however, illegal aliens have become a significant issue. INS apprehensions are currently averaging more than one million illegal aliens per year throughout the country. The INS estimates that there are currently from three to six million illegal aliens in the U.S. Other studies have indicated higher numbers, closer to 10 million (INS 2000).

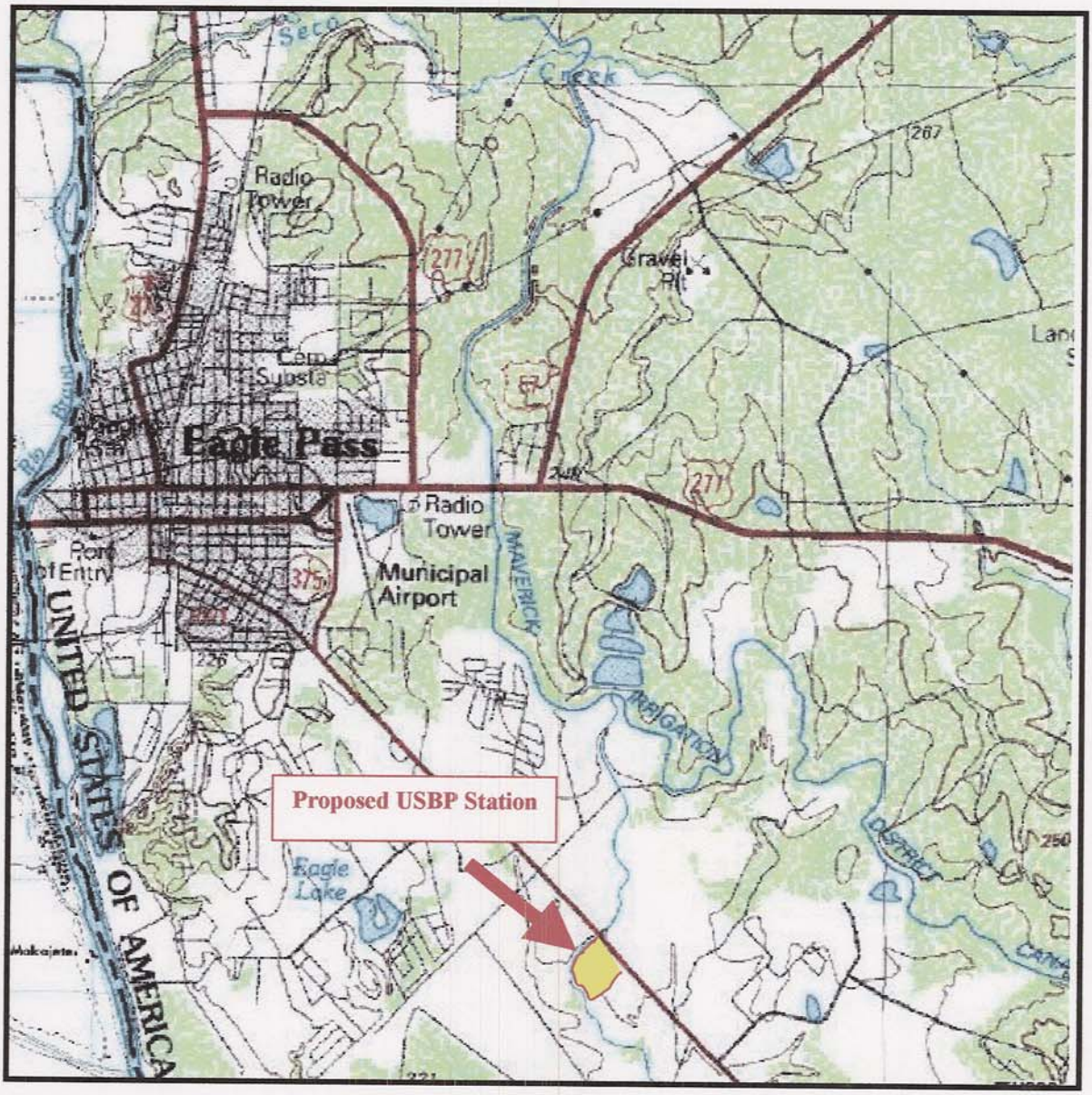

FIGURE 1-1 PROPOSED ACTION SITE LOCATION MAP

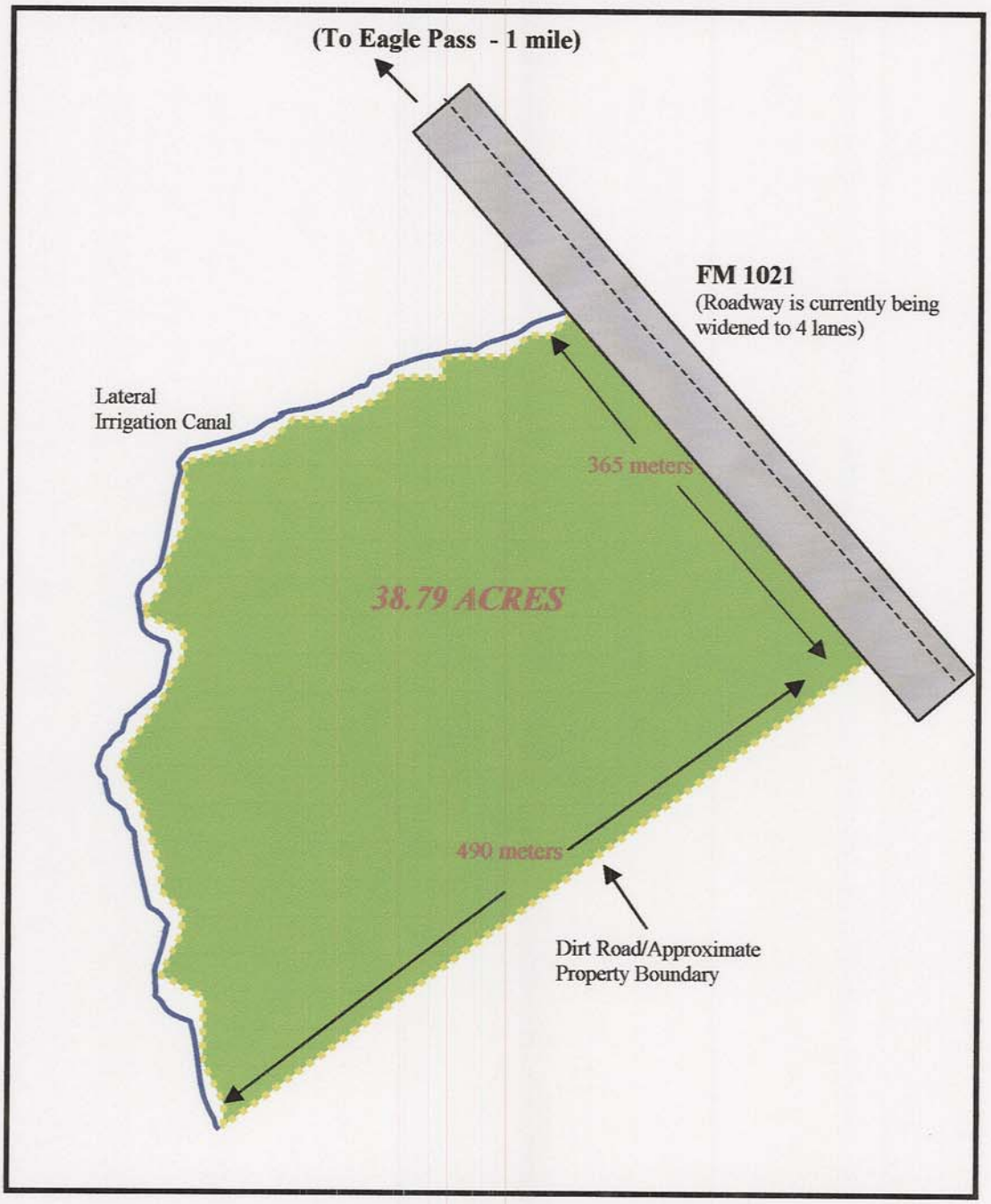

FIGURE 1-2 PROPOSED ACTION SITE FEATURES MAP
(NOT TO SCALE)

1.2 REGULATORY AUTHORITY

The primary source of authority granted to officers of the INS is the INA, found in Title 8 of the U.S. Code (8 USC), and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, primarily those found in Title 8 of the Code of Federal Regulations (8 CFR Section 287), judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) mandates INS to acquire and/or improve equipment and technology along the international border, hire and train new agents for the border region, and develop effective border enforcement strategies.

Subject to constitutional limitations, INS officers may exercise the authority granted to them in the INA. The statutory provisions related to enforcement authority are found in Sections 287(a), 287(b), 287(c), and 287(e) [8 USC § 1357(a, b, c, e)]; Section 235(a) [8 USC §1225]; Sections 274(b) and 274(c) [8USC § 1324(b, c)]; Section 274(a) [8USC §1324(a)]; and Sections 274 (b) and 274(c) [8USC §1324(b,c)] of the INA. Other statutory sources of authority are Title 18 of the USC, which has several provisions that specifically relate to enforcement of the immigration and nationality laws; Title 19 [19 USC § 1401(i)], relating to U.S. Customs Service cross-designation of INS officers; and Title 21 [21 USC § 878], relating to Drug Enforcement Agency cross-designation of INS officers (INS 2000).

1.3 BACKGROUND

The U.S. experiences a substantial influx of illegal immigrants and drugs each year. Both of these illegal activities cost American citizens billions of dollars annually due directly to criminal activities, as well as the cost of apprehension, detention and incarceration of criminals, and indirectly in the loss of property, illegal participation in government programs and increased insurance costs. INS has estimated that there were approximately five million illegal aliens residing in the U.S. in October 1996, and their numbers increased at an average rate of about 275,000 per year between October 1992 and October 1996 (GAO 1997). To combat these rising numbers, the Clinton Administration committed additional resources to law enforcement agencies, including the USBP, in its "crackdown" on illegal immigration in the U.S.

The Eagle Pass USBP station handled approximately 36% of the illegal alien apprehensions that occurred within the 10-station sector for fiscal years 1998, 1999, and 2000. During these three years, the station apprehended an average of 62,267 illegal aliens, and approximately $17 million worth of marijuana (Table 1-1). Further, the Eagle Pass station apprehended 6,201 non-Mexican illegal aliens in 2000, which was the highest number for any station in the U.S. for that year.

1.4 PURPOSE AND NEED

In order to effectively combat the increase in illegal activity in the Eagle Pass area, USBP has dramatically increased its presence in the area. The current U.S. Border Patrol Eagle Pass Station no longer accommodates agents and other USBP staff at its design capacity. The station was originally intended to house approximately 75 personnel, while the number of USBP agents and staff in Eagle Pass has increased to over 300 as of February, 2002. Further, the current station site provides no

room for expansion, and the construction of a station at a larger site is necessary to accommodate the needs for the rapidly growing border patrol sector. The Proposed Action is to provide the USBP with a more modern facility that will alleviate overcrowding and allow for the housing of more state of the art equipment for surveillance monitoring.

TABLE 1-1 SEIZURES AND APPREHENSIONS BY THE EAGLE PASS STATION.

	Marijuana Seizures (pounds per year)	Total Value of Seized Marijuana (per year)	Undocumented Apprehensions (per year)
FY 1998, 1999, 2000 (Average)	21,315	$17,052,465	62,268

This EA addresses site-specific environmental constraints associated with the proposed construction of the border patrol station, which would accommodate the increase in USBP personnel in Eagle Pass.

1.5 ORGANIZATION OF THIS DOCUMENT

Chapter 1.0 of this EA contains the background and location of the Proposed Action, along with the purpose and need, and applicable statutes and regulations associated with the Proposed Action. Chapter 2.0 gives a detailed analysis of the Proposed Action and all reasonable alternatives, including the No Action Alternative and those that were considered but eliminated from detailed analysis. Chapter 3.0 describes the baseline environmental conditions against which the impacts of the Proposed Action and alternatives are evaluated. These environmental conditions include information on soils, air quality, land use, hydrology, biological resources, noise, cultural resources, and the current socioeconomic conditions of the area. Chapter 4.0 describes the environmental consequences of the Proposed Action and alternatives, including mitigation measures and best management practices. Chapter 5.0 list those people involved in the preparation and review of this document. Chapter 6.0 describes the agency coordination and public involvement for this project. Chapter 7.0 presents references cited and Chapter 8.0 includes a list of acronyms and abbreviations. Appendices are: (A) Site Photographs, (B) Threatened and Endangered Species, (C) Consultation Letters, and (D) Notice of Availability.

1.6 APPLICABLE ENVIRONMENTAL STATUTES AND REGULATIONS

This EA was prepared pursuant to Section 102 of the NEPA, as implemented by the regulations promulgated by CEQ [40 CFR Parts 1500-1508]. This EA should provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI) (40 CFR 1508.9). Additionally, this EA complies with INS NEPA Regulations specified in 28 CFR 61. Brief summaries of the Federal and state laws, regulations, executive orders (EO), and other entitlements that may be applicable to the proposed project are provided in the following sections.

1.6.1 National Environmental Policy Act

NEPA (42 USC 4321 et seq.), as implemented by the regulations promulgated by the President's CEQ (40 CFR Parts 1500-1508), establishes national policy, sets goals, and provides the means for carrying out that policy. Section 102(2) of NEPA contains "action-forcing" provisions to make sure that Federal agencies act according to the letter and spirit of the Act. The principal objectives of NEPA are to ensure the careful consideration of environmental aspects of Proposed Actions in Federal decision-making processes and to look at alternatives that may provide a more environmentally acceptable solution. Additionally, NEPA encourages public dialogue and participation in an agency's planning process and ensures that environmental information is made available to decision makers, and the public before decisions are made and actions are taken.

INS routinely completes individual, site-specific NEPA documents such as an Environmental Impact Statements (EIS), and Environmental Assessments (EA), Categorical Exclusions (CE), and/or Records of Environmental Consideration (REC). INS complies with NEPA in accordance with INS regulations as specified in 28 CFR 61, Appendix C. These procedures shall apply to new efforts associated with all INS actions, including (but not limited to) INS operations; acquisition of real property whether by lease, purchase, or construction; the design, alteration, operation, or maintenance of new and existing INS facilities; and new INS mission activities. These procedures apply to all INS Administrative Centers, Regions, Field Offices, INS staff, contractors, and others who operate under INS oversight.

1.6.2 Executive Order 11514, Protection and Enhancement of Environmental Quality

EO 11514, Protection and Enhancement of Environmental Quality, as amended by EO 11991, sets the policy for directing the Federal government in providing leadership in protecting and enhancing the quality of the nation's environment.

1.6.3 Executive Order 11988, Floodplain Management

EO 11988 directs all Federal agencies to avoid, if possible, development and other activities in the 100-year base floodplain. Where the base floodplain cannot be avoided, special considerations and studies for new facilities and structures are needed. Design and siting are to be based on scientific, engineering, and architectural studies; consideration of human life, natural processes, and cultural resources; and the planned lifespan of the project. Federal agencies are required to 1) reduce the risk of flood loss; 2) minimize the impact of floods on human safety, health, and welfare; and 3) restore and preserve the natural and beneficial values served by floodplains in carrying out agency responsibility.

1.6.4 Executive Order 12898, Environmental Justice

The purpose of EO 12898 is to prevent the disproportionate placement of adverse environmental, economic, social, or health impacts from proposed Federal actions and policies on minority and low-income populations.

1.6.5 Executive Order 13007, Sacred Sites

The purpose of EO 13007 is to ensure that each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, as appropriate, promptly implement procedures for the purposes of (1) accommodating access to and ceremonial use of Native American sacred sites by Native American religious practitioners, and (2) avoiding adverse effects on the physical integrity of such sacred sites. Where appropriate, agencies shall also maintain the confidentiality of sacred sites.

1.6.6 Clean Air Act

The Clean Air Act (CAA) amendments of 1990 established Federal air quality standards. The U.S. Environmental Protection Agency (USEPA) and Texas Natural Resource Conservation Commission (TNRCC) monitor air quality in metropolitan areas of Texas. Eagle Pass is not considered part of a metropolitan area, but because of its proximity to its larger sister city, Piedras Negras, in the Mexican State of Coahuila, does have air quality atypical of similar-sized Texas cities.

1.6.7 Clean Water Act

The Clean Water Act (CWA) (33 USC 1251 et seq., as amended) establishes Federal limits, through the National Pollutant Discharge Elimination System (NPDES), on the amounts of specific pollutants that may be discharged to surface waters in order to restore and maintain the chemical, physical, and biological integrity of the water. Section 404 of the CWA of 1977 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into water of the U.S., including wetlands. Waters of the U.S. (Section 328.3[2] of the CWA) are those waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands.

1.6.8 Endangered Species Act

The Endangered Species Act (16 USC 1531-1543) requires Federal agencies to determine the effects of their actions on endangered or threatened species of fish, wildlife, plants, and critical habitats, and to take steps to conserve and protect these species.

1.6.9 Cultural Resources Laws and Regulations

The National Historic Preservation Act (NHPA) of 1966 (16 USC 470 et seq., as amended) and its implementing regulation, 36 CRF Part 800, require Federal agencies to determine the effect of their actions on cultural resources, and to take certain steps to ensure these resources are located, identified, evaluated, and protected. The Archeological Resources Protection Act (16 USC 470a-11, as amended) protects archeological resources on Federal lands. If archeological resources that may be disturbed during site activities should be discovered, the NHPA would require permits for excavating and removing the resources. Additionally, the INS is required under EO 13175 "Consultation and Coordination with Indian Tribal Governments" to consult with recognized Federal Indian Tribal governments. When a project is requested, the state Environmental Programs

Manager must ensure this EO is covered when executing the proper level of NEPA analysis for the project.

1.6.10 Other Laws and Regulations

Additional Federal and state regulations that may apply to the Proposed Action and alternatives are listed below:

- American Indian Religious Freedom Act of 1978
- Texas Air Quality Standards
- Bald Eagle Protection Act (Public Law 90-535)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (Public Law 96-510), as amended by the Superfund Amendments and Reauthorization Act (SARA) (Public Law 99-499), 1986
- Federal Compliance with Pollution Control Standards
- Federal Facilities Compliance Act
- Fish and Wildlife Coordination Act, as amended, USC 661, et seq.
- Hazardous Materials Transportation Act (HMTA), 1975
- Migratory Bird Treaty Act
- Native American Graves Protection and Repatriation Act (NAGPRA) 25 USC 3001 et. Seq.
- Resource Conservation and Recovery Act (RCRA) (Public Law 94-580), 1976
- Safe Drinking Water Act (SDWA), 1974
- Solid Waste Disposal Act, 1980
- Toxic Substances Control Act (TSCA) (Public Law 94-469)
- Watershed Protection and Flood Prevention Act, 16 USC 1101, et seq.
- Wetlands Conservation Act (Public Law 101-23)
- EO 12856 – Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements
- EO 13123 – Greening the Government Through Efficient Energy Management

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

This section presents a description of the proposed action and four alternatives, including the No Action Alternative. The proposed action along with three of the alternatives involves the acquisition of land and construction of a new Border Patrol Station. The fourth alternative, the No Action Alternative, represents the option in which construction would not take place. Section 2 includes a discussion of the operational requirements and relevant environmental factors used to evaluate each alternative location. It also discusses the alternatives considered but eliminated from detailed analysis, and presents a summary of the findings.

2.1 OPERATIONAL SELECTION CRITERIA

All alternative locations for a new station, including the existing station that would continue to be used under the No-Action Alternative, were evaluated using the selection criteria described below. These criteria include important features that may affect the degree to which the Proposed Action can satisfy the project's needs and objectives. All criteria pertain to the desirable characteristics for the location of a USBP station in Eagle Pass. Such criteria for the station location include:

- Near the soon-to-be-constructed Outer Loop slated to connect FM 1021 with U.S. Highway 277
- On a four-lane road
- Near an established neighborhood
- Along a direct route for expatriation to Mexico
- On the outskirts of an established town or city
- Along a common expatriation route for Mexican nationals to Mexico

2.2 PROPOSED ACTION

Illegal activity and other border problems have increased dramatically in Eagle Pass since the construction of the current station, although no link exists between the two. Such activity was probably ongoing long before the station was constructed. As a result, the USBP Eagle Pass sector has increased its presence in the area through the addition of more agents and staff. The present station was designed and built to accommodate approximately 75 agents and staff. However, it currently houses over 300 USBP personnel. Since the current border patrol station site is fully developed, and there is a lack of available property adjacent to the station, expansion on the current site is not possible.

The Proposed Action includes the construction of a new border patrol station located approximately one mile south of the City of Eagle Pass on FM 1021. The new station would alleviate the strain of crowded conditions caused by the increase of USBP personnel since the construction of the current station. The proposed station would be located on an approximately 39-acre site in a rural area, allowing for the future possibility of expansion.

The new station itself would include, among other features, offices, storage and file rooms, a public lobby, a squad/muster room, a training room, a field support room, a fitness center equipped with lockers and showers, and an area for holding and processing detainees. Associated support features that would also be constructed include a vehicle maintenance facility, a fuel storage area, a kennel, an impound lot, and separate parking lots for employees, government vehicles, and the public. Engineering plans have not been finalized for the proposed new station. A concept drawing, however, is presented in Figure 2-1.

It should be noted that the new station may also include a firing range. As mentioned above, however, the engineering plans for the entire site have not been finalized as of the time of this environmental assessment, and therefore the location of the firing range has not been determined. As a result, this document addresses the proposed construction of the USBP station and associated features ***not including*** the firing range. A detailed assessment of the proposed firing range will be made in a Supplemental EA to be prepared after the engineering plans have been finalized and prior to construction of the proposed USBP station.

2.3 NO ACTION ALTERNATIVE

Under the No Action Alternative, no USBP station would be constructed. The current facilities would continue to be used above design capacity, and future expansion of the Eagle Pass sector would become less feasible due to spatial constraints. Any further increase in illegal activity associated with the border or with increased population would not be countered by an increase in USBP personnel due to limited space at the current station. Housing and state of the art surveillance equipment would be limited.

2.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

Four alternative sites were considered for construction of the proposed USBP station. Three of those sites were discounted due to their proximity to a substation maintained by Central Power and Light (CPL), the local commercial and residential energy provider. The power generated from the substation would have interfered with USBP radio and video equipment. Further, overhead transmission lines would have negated the ability of helicopters to maneuver in and out of the site at two of these sites. The third site was also eliminated for its location adjacent to both a propane dealer and a fireworks vendor, which increase the risk of explosion potentials. The final site was located away from the CPL substation, but was determined by the U.S. Army Corps of Engineers to be on sloped lands and, therefore, unsuitable for construction.

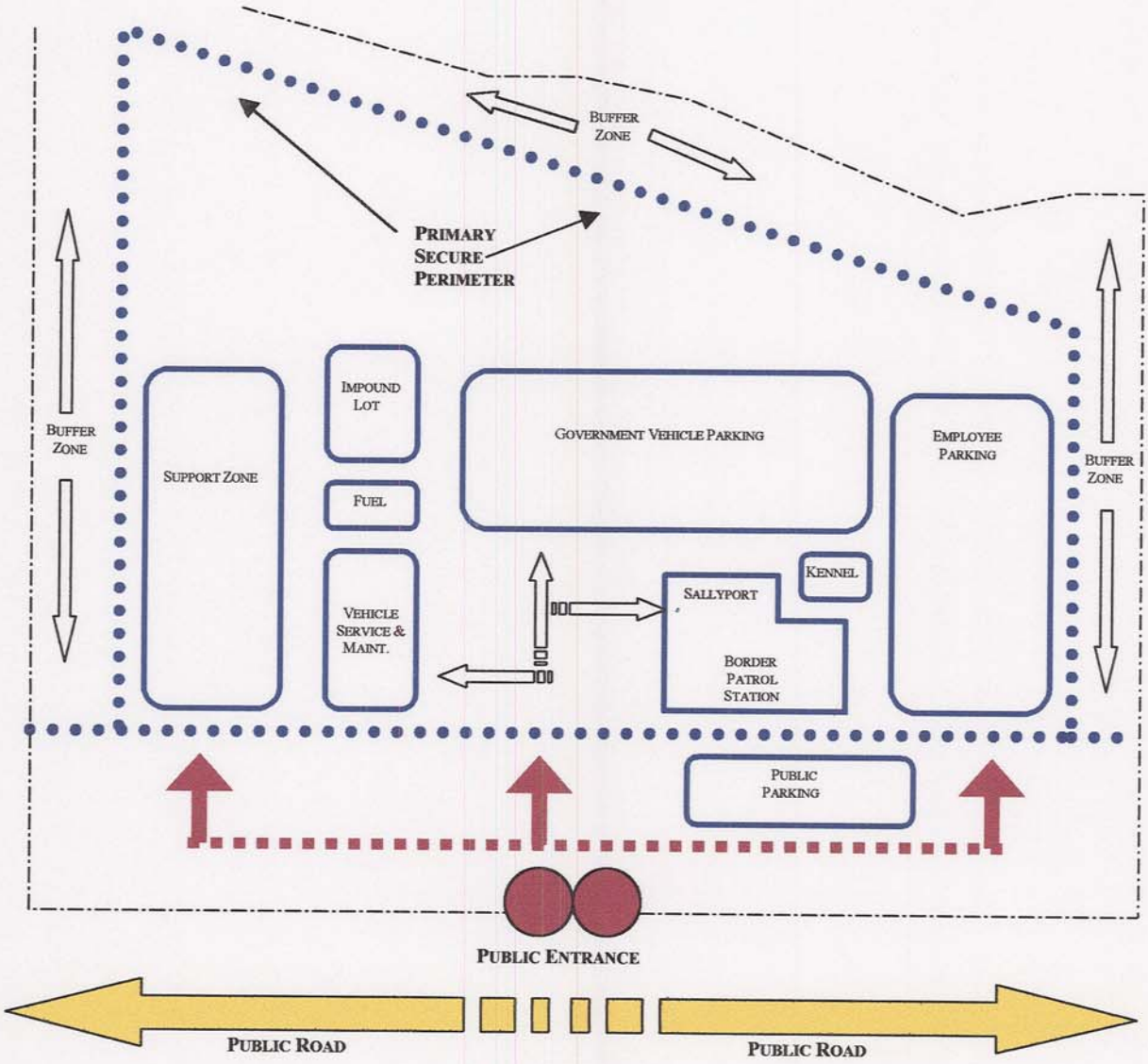

FIGURE 2-1 CONCEPT DRAWING FOR PROPOSED BORDER PATROL STATION

3.0 AFFECTED ENVIRONMENT

The affected environment is the baseline against which potential impacts caused by the Proposed Action and alternatives are assessed. This chapter focuses on those resources specific to the proposed project area that have the potential to be affected by activities connected with construction of a border patrol station on FM 1021 near Eagle Pass, Texas, and changes in USBP activities resulting from these activities.

3.1 AIR RESOURCES

Air resources describe the existing concentrations of various pollutants and the climatic and meteorological conditions that influence the quality of the air. Precipitation, wind direction, wind speed, and atmospheric stability are factors that determine the extent of pollutant dispersion.

The average annual precipitation in Eagle Pass in 20.93 inches. The July mean maximum temperature is 100.6°F, and the January mean maximum is 47.5°F. The average annual temperature is 70.4°F (Eagle Pass Chamber of Commerce 2001).

Air quality in Texas is monitored by the TNRCC at stations in the 19 metropolitan areas of the state. The TNRCC uses the scale provided by the USEPA called the Air Quality Index (AQI) for rating air quality. The AQI scale is based on the National Ambient Air Quality Standards (NAAQS) as described in 58 CFR, Appendix G.

Eagle Pass is not considered a metropolitan area of Texas, and, therefore, is not monitored by the USEPA or TNRCC. Piedras Negras, the sister city of Eagle Pass in the Mexican State of Coahuila, is located directly across the Rio Grande River from Eagle Pass. Coal-burning power plants in Piedras Negras fall under much looser regulations than similar plants in the U.S., and contribute to emissions that travel into Texas. Air pollution in the region is also caused by older Texas plants located on the Gulf Coast and north central regions of the state that are not required to comply with newer air pollution standards. Both U.S. and Mexican sources contribute to the decreased visibility in the West Texas region, including Eagle Pass, over the past decades (TNRCC 1999).

3.2 LAND USE

The parcel of land proposed for use for the new border patrol station is undeveloped and cultivated. Nearly all brush has been cleared, except in areas within approximately 15 meters of the lateral irrigation canal that borders the western and southern edges of the property. Natural herbaceous vegetation otherwise dominated the site, standing approximately three feet in most areas. The entire site is nearly level.

In the early 1980s, approximately 88% of Maverick County was considered range or farmland (Handbook of Texas Online 2001). Because of the sparse population in the county, the current figure is assumed to be only slightly lower. According to 1997 figures, the 28-county region of Southwest Texas that includes Maverick County consists of 17.9 million acres of agricultural lands (including the entire 39-acre project area), or about 91% of the entire land area of the region (Texas A&M University, 2000).

3.3 GEOLOGICAL RESOURCES

Geological resources include physical surface and subsurface features of the earth such as topography, geology, soils, and the prime farmlands of the area. These features are discussed in the following sections.

3.3.1 Geology

Parent material for soils in Maverick County has been derived mainly from chalky limestone, caliche, marl, sandstone, shale, clay, loamy to clayey outwash or old alluvium, and recent alluvium. Soil present on the project area is of a series formed in clayey outwash or old alluvium that was transported by water and redeposited in its current location (US Department of Agriculture [USDA] 1977).

3.3.2 Soils

The dominant soil in the project area is Montell clay, 0 to 1 percent slopes. This soil is typically used for irrigated crops. Soils in the Montell series are deep, have very slow runoff, very slow permeability, and high water capacity. In dry conditions, the soil cracks and allows rapid water movement; in wet conditions, the soils swell and prevent movement of water from the surface (USDA 1977).

3.3.3 Prime Farmland

According to 16 USC 590a-f (7 CFR 2.62 Pub. L. 95-87; 42 USC 4321 et seq.), prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Soil found on the project area are of the Montell series. Prime farmland soils are not addressed in the *Soil Survey of Maverick County, Texas*, but it is assumed that this series is not considered prime farmland. The shrink-swell character of Montell series soils and very low annual level of precipitation in the region do meet criteria of standard prime farmland soils.

3.4 WATER RESOURCES

The following sections describe surface water and groundwater sources, water quality and quantity, and surface and subsurface water movement. The hydrological cycle results in the transport of

water into various media such as the air, the ground surface, and subsurface. Natural and human-induced factors determine the quality of water resources.

3.4.1 Ground Water

Eagle Pass falls just outside the boundaries of two major aquifers: the Edwards-Trinity and the Carrizo-Wilcox.

3.4.2 Surface Water

Most of the water in the Eagle Pass area is supplied by surface water, primarily that of the main channel, tributaries, and irrigation channels of the Rio Grande. Water shortages are predicted in Maverick County for both municipal water user groups and for the county-level irrigation water user group. Because of the low annual precipitation levels (about 21") and frequency of drought in the area, the entire Rio Grande Valley region of South Texas depends on irrigation from the Rio Grande to supply water for agricultural uses (National Weather Service 2000). Population growth and increased demand has required the City of Eagle Pass to rely more heavily on conservation and reuse, as well as seeking ways to acquire additional Rio Grande water supplies (Texas Water Development Board 2001).

A lateral canal of the main channel of the Maverick County Irrigation Canal borders the property on its western and southern sides. Stormwater runoff from the site flows into the lateral irrigation canal that runs along the western and southern boundaries of the property. A holding tank drains into the canal approximately two miles north of the project area. The canal continues south approximately two miles to the Rio Grande River. During the time of the site visit, no water was noted to be present in this canal.

3.4.3 Water Quality

Water in the Rio Grande generally meets both U.S. and Mexican standards. The main known water quality problems involve high levels of fecal coliform bacteria, sediment, salts, pesticides, and heavy metals. Non-point sources, such as runoff from city streets, rangelands, farms, and dairies are the major contributors to water pollution in the Rio Grande (Cascadia Times 1999; TNRCC 2000).

The U.S. counties that border the Rio Grande are generally the poorest in Texas, with even greater poverty on the Mexican side of the river. Weaker Mexican environmental regulations and poverty contribute to low water quality in the Rio Grande. Heavy irrigation, coupled with rapid population growth and increased demand puts further strain on water quality. Claims to the flow of the Rio Grande on both sides of the border exceed the actual water supply (Cascadia Times 1999).

3.4.4 Jurisdictional Waters of the United States

Section 404 of the CWA of 1977 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into water of the U.S., including wetlands. Waters of the U.S. (Section 328.3[2] of the CWA) are those waters used in

interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands. Waters of the U.S. are further defined as all other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, or impoundments of waters, tributaries of waters, and territorial seas. Wetlands are those areas inundated or saturated by surface waters or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE 1987). Jurisdictional boundaries for these water resources are defined in the field as the ordinary high water mark (OHWM), which is that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. A lateral irrigation canal, determined to be Waters of the U.S. because it is tributary to a natural stream or river, in this case, the Rio Grande, borders the property on its western and southern boundaries. No other Waters of the U.S., including wetlands, exist on the property.

3.4.5 Floodplains

Under Federal regulations, all Federal agencies are directed to avoid, if possible, development and other activities in the 100-year base floodplain. Where the base floodplain cannot be avoided, special considerations and studies for new facilities and structures are needed. Federal agencies are required to 1) reduce the risk of flood loss; 2) minimize the impact of floods on human safety, health, and welfare; and 3) restore and preserve the natural and beneficial values served by floodplains in carrying out agency responsibility.

According to U.S. Department of Housing and Urban Development (HUD) floodplain maps, the majority of the property does not fall within the floodplain. However, land adjacent to the lateral irrigation canal that runs along the borders of the property is considered floodplain. This band of flood-prone area extends approximately 40-60 meters beyond the banks of the canal. The exact area of the flood-prone portion of the property has not been determined, but appears to be approximately five acres. Figure 3-1 (HUD 1977) presents the extent of floodplains on the property.

3.5 BIOLOGICAL RESOURCES

Biological resources include native plants and animals in the region around the proposed project site. Because the entire site and most of the region has been modified from its native state by agricultural activity, plants and wildlife noted may not be typical of those that historically have occurred in the area.

3.5.1 Vegetation

The project area falls within the Tamaulipan biotic region of the United States. Thorny brush is the predominant vegetation in this province, the most important of which includes mesquite (*Prosopis juliflora*); various species of *Acacia* and *Mimosa*; granjeno (*Celtis pallida*); and prickly pear

(*Opuntia lindheimeri*) (Blair, 1950). Most of these species may be found on the edges of the lateral irrigation canal that runs along the western and southern boundaries of the project area. However, the majority of the property is dominated by tall prairie grasses, as a result of repetitive cultivation over past years. Site photographs illustrate the common vegetation found in the project area, and are presented in Appendix A.

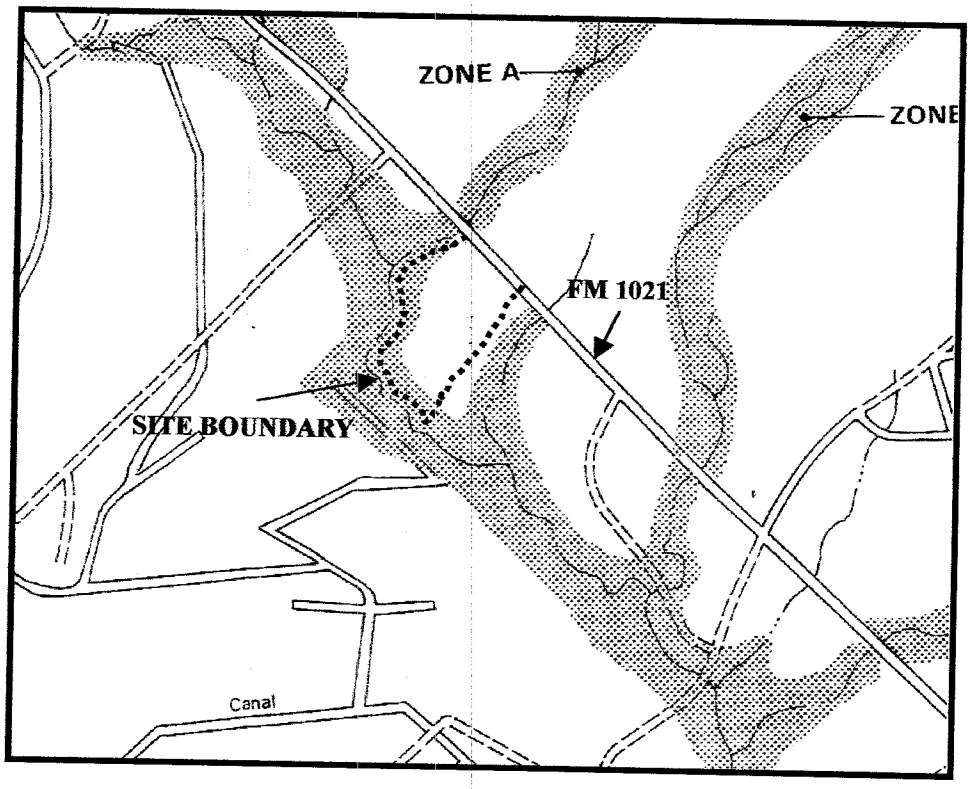

FIGURE 3-1 FLOODPLAIN REGION WITHIN PROPOSED ACTION PROJECT AREA
(Shaded Areas)

3.5.2 Wildlife

Species observed during the February site visit include: several species of hawks, most likely red-tailed hawks (*Buteo jamaicensis*) and Harris' hawks (*Parabuteo unicinctus*); northern cardinal (*Cardinalis cardinalis*), several species of unidentified sparrow- and warbler-like perching birds; field mice; and evidence of coyote (*Canis sp.*) or other wild dog. All identified species were non-migratory permanent residents of the region.

3.5.3 Aquatic Species

No aquatic habitat exists within the project area, and the bordering canal flows in accordance with upstream water control mechanisms or periods of wet weather. The canal was dry during the site survey; therefore, no aquatic species were observed in the project area.

3.5.4 Threatened and Endangered Species

The Endangered Species Act (ESA) [16 USC 1531 et. Seq.] of 1973, as amended, was enacted to provide a program for the preservation of endangered and threatened species and to provide protection for the ecosystems upon which these species depend for their survival. All Federal agencies are required to implement protection programs for designated species and to use their authorities to further the purposes of the Act. Responsibility for the identification of a threatened or endangered species and development of any potential recovery plan lies with the Secretary of the Interior and the Secretary of Commerce. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are the primary agencies responsible for implementing the ESA. The USFWS is responsible for birds and terrestrial and freshwater species, while the NMFS is responsible for non-bird marine species. Texas Parks and Wildlife Department (TPWD) is responsible for implementing the ESA at the state-level, as well as additional state laws regarding threatened and endangered species.

An endangered species is a species in danger of extinction throughout all or a significant portion of its range. A threatened species is a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Proposed species are those that have been formally submitted to Congress for official listing as threatened or endangered. In addition, the USFWS has identified species that are candidates for listing as a result of identified threats to their continued existence. The candidate (C) designation includes those species for which the USFWS has sufficient information on hand to support proposals to list as endangered or threatened under the ESA. However, proposed rules for this listing have not yet been issued because such actions are precluded at present by other listing activity.

The ESA also calls for the conservation of critical habitat, which is defined as the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of essential habitat by uncontrolled land and water development.

Many Federally- and state-listed threatened and endangered species of plants, fish, and wildlife could occur in Maverick County. Ecological Communications Corporation personnel reviewed both database and mapped data (TPWD 2002) provided by TPWD regarding Federally- and state-listed threatened and endangered species, as well as species of concern to the Department. A list of these species as provided by the TPWD and the USFWS can be found in Table 3-1. No evidence of the Federally- or state-listed species threatened or endangered species was observed during the February, 2002 site visit.

3.5.4.1 Federally-listed Species

The interior least tern prefers sandpits along major water bodies for nesting. They will also use flat rooftops of tall buildings, and other artificial areas with flat and open sandy or gravely clearings. No such habitat exists within the project area.

Both the ocelot and jaguarundi prefer dense, nearly impenetrable thickets of thorny vegetation of south Texas. Most of this habitat that historically existed in the state has been cleared for agricultural purposes. The proposed site is dominated by tall prairie grasses, and no such habitat exists in the area.

3.5.4.2 State-listed Species

Four species that occur on the state threatened and endangered list depend on aquatic habitat for survival, and therefore do not occur on or near the project area. These species include the South Texas siren, proserphine shiner, Rio Grande shiner, and Texas hornshell.

The common black-hawk prefers lowland areas near major bodies of water with a source of crayfish, crabs, and other aquatic food (Jonsguard 1990). Their range includes southern Utah, Arizona, New Mexico, and Texas south to Panama. Preferred habitat does not exist within or near the project area.

Little is known about the margay, as the only known specimen to occur in Texas was taken near Eagle Pass in the 1850s (Davis and Schmidly 1997). It is not likely for this species to occur north of tropical regions of Central America.

The white-nosed coati inhabits woodland areas of Central America, Mexico, and extreme southern U.S. No wooded habitat exists within the project area, therefore, no coatis are expected to occur there.

The black bear's range has diminished from nearly state-wide, to a limited area in the mountainous area of the Trans-Pecos region of Texas. No bears exist on or near the subject property.

The reticulate collared lizard has been noted to occur in the area in several instances, according to the TPWD database maps of an approximately four-mile radius of the project area. The lizard prefers rocky areas, escarpments, and burrows in brushy environments (Bockstanz and Cannatella 2000). Because of the disturbed nature of the project area, and the lack of rocky habitat in the immediate area, it is unlikely that this lizard occupies habitat in the area.

The American and Arctic peregrine falcons and wood stork prefer mudflats, marshes, and beaches where birds are abundant. In Texas, peregrines nest in the Trans-Pecos region and are considered migratory in other parts of the state, including Maverick County. Because no wetland or coastal habitats exist within or near the project area, no peregrines or storks are expected to occupy habitat on or near the property.

TABLE 3-1 THREATENED AND ENDANGERED SPECIES OF MAVERICK COUNTY, TEXAS

COMMON NAME	SCIENTIFIC NAME	USFWS	TPWD
Common black-hawk	*Buteogallus anthracinus*		T
American peregrine falcon	*Falco peregrinus anatum*	DL	T
Arctic peregrine falcon	*Falco peregrinus tundrius*	DL	T
Wood stork	*Mycteria americana*		T
Interior least tern	*Sterna antillarum athalassos*	LE	E
South Texas siren	*Siren sp. 1*		T
Proserpine shiner	*Cyprinella proserpina*		T
Rio Grande shiner	*Notropis jemezzanus*		
Ocelot	*Felis pardalis*	LE	E
Margay	*Felis weidii*	Ext	T
Jaguarundi	*Felis yaguarondi*	LE	E
Cave myotis bat	*Myotis velifer*		
White-nosed coati	*Nasua narica*		T
Black bear	*Ursus americanus*		T
Texas hornshell	*Popenaias popei*	C1	
Reticulate collared lizard	*Crotaphytus reticulatus*		T
(Texas) indigo snake	*Drymarchon corais*		T
Texas tortoise	*Gopherus berlandieri*		T
Spot-tailed earless lizard	*Holbrookia lacerate*		
Keeled earless lizard	*Holbrookia propinqua*		
Texas horned lizard	*Phrynosoma cornutum*		T
Mexican blackhead snake	*Tantilla atriceps*		
Texas trumpets	*Acleisanthes crassifolia*		
Silvery wild-mercury	*Argythamnia argyraea*		

TABLE KEY

LE—Federally-listed as endangered
E—state-listed as endangered
T—state-listed as threatened
C1-Federal candidate, category 1; information supports proposing to list as threatened/endangered
DL—Federally-delisted
Blank entries are species listed as "of concern" by TPWD, but have no legal listing status

The indigo snake occupies a variety of habitat, including riparian breaks in mesquite habitat of coastal plains, grassy plains, and coastal sandhills (Bockstanz and Cannatella 2000). This snake may inhabit the grassy portions of the area, especially during periods of wet weather or when the canal transports water. However, due to the repeat disturbance of the property for agricultural purposes, their presence is unlikely.

The Texas tortoise prefers arid areas where prickly pear is abundant. Although prickly pear do occur in the area, they do not occur in high density stands of vegetation. Therefore, it is unlikely that the Texas tortoise occupies habitat in the immediate area.

The Texas horned lizard is usually found in semi-arid to arid areas of sparse habitat. Because of the thick stand of grass that dominates the project area, no horned lizards are expected to occur.

The keeled earless lizard usually is found in sand dunes and barrier beaches along the Texas coast, but may occupy sandy habitat in other areas. Soils in the project area are generally more clayey, and are not conducive to the lizard's preferred habitat.

3.6 NOISE

Noise is generally described as unwanted sound, which can be based either on objective effects (hearing loss, damage to structures etc.) or subjective judgments (community annoyance). Measurement and perception of sound involves two basic physical characteristics: amplitude and frequency. Amplitude is a measure of the strength of the sound and is directly measured in terms of the pressure of a sound wave. Because sound pressure varies in time, various types of pressure averages are usually used. Frequency, commonly perceived as pitch, is the number of times per second the sound causes air molecules to oscillate. Frequency is measured in units of cycles per second, or Hertz (Hz). Sound is usually represented on a logarithmic scale with a unit called the decibel (dB). Sound on the decibel scale is referred to as a sound level. The threshold of human hearing is approximately 0 dB, and the threshold of discomfort or pain is around 120 dB (INS 2000).

The proposed project area is located away from noise sensitive sites such as schools, churches, hospitals, etc. The ambient noise environment within the general area is typical of rural areas with projected noise levels ranging from about 35 to 55 average-weighted decibels (dBA) day/night noise level (Ldn). These levels may be substantially higher when the wind blows (USACE 1995). Further, noise levels may be higher in instances of heavy traffic along FM 1021 within the immediate area.

3.7 CULTURAL RESOURCES

The cultural history of the project area is generally divided into four major time periods: Paleo-Indian (9200-6000 B.C.), Archaic (6000 B.C. to A.D. 700), Late Prehistoric (roughly A.D. 700-1600), and Historic (A.D. 1600 to present). The prehistoric periods are principally defined by the presence of diagnostic projectile points and other technologies, but are intended to delineate change in socio-cultural patterns. However, cultural change proceeded at somewhat different rates over the vast area of Texas. In some regions, hunting and gathering cultures persisted throughout prehistory; in others, cultures with farming and settled village life dominated. Prehistoric cultures in South Texas appeared to maintain a hunter-gatherer lifestyle throughout the Archaic and Late Prehistoric periods, with moderate changes in technology.

3.7.1 Paleo-Indian

Evidence of Paleo-Indian occupation of South Texas can be found usually in the Nueces-Guadalupe and Rio Grande plains (Austin et al. 1994:14). Little is known about the Paleo-Indian period in South Texas, but the people seemed to use technology similar to the Lower Pecos area, including

Golondrina points (Hester and Turner 2000). Other projectile points found in the area include Clovis, Folsom, Scottsbluff, and Angostura (Austin et al. 1994:14). A diverse array of resources were utilized by early Paleo-Indians, including big game, fish, snakes, rodents, pecans, and walnuts (Hester and Turner 2000).

3.7.2 Archaic

The Early Archaic (6000-2500 B.C.) is poorly known in its earliest phases, though a number of point and tool types can be linked to that era in South Texas, including Bell, Andice, Early Triangular, and Early Expanding Stemmed Points (Austin et al. 1994:17). In general, populations were still rather small and mobile. The Middle Archaic (2500 B.C.-1000 B.C.) marks a time of significant population increase in South Texas, with an increase of numbers of sites. The distribution of projectile point types became more regional, and in South Texas they include Pedernales, Langtrey, Kinney, Bulverde, and Tortugas (Austin et al. 1994:17). Ground stone and large burned rock middens appear for the first time, and this indicates a heavier reliance on vegetal and marine foods. The Late Archaic (1000 B.C.-300 B.C.) sees the continuation of the hunter-gatherer lifestyle in most of Texas, especially South Texas, and bison appears to be an important game resource in the lower Pecos and South Plains at this time. The Transitional Archaic (300 B.C.-A.D. 700) marks an interval that in many ways is little more than a continuation of the Late Archaic, but with differing point types including Ensor, Frio, Marcos, Fairland, and Ellis (Austin et al. 1994:17). Extended occupation in certain areas and the introduction of cemeteries also mark this period.

Most prehistoric sites that have been documented in the area appear to be Late Archaic and Transitional Archaic, including one site near the project area, 41MV106. Radiocarbon analysis of material from this site indicated dates of A.D. 370 and A.D. 380, although no culturally diagnostic material was found to support this timeframe (O'Neill 1991).

3.7.3 Late Prehistoric

This period (A.D. 700 to A.D. 1600) is particularly noticeable in the archeological record throughout the state. The bow and arrow is introduced, along with other distinctive types of stone tools. Pottery is also present, even among hunters and gatherers in Central, South, and coastal Texas (Hester and Turner 2000; O'Neill 1991:7). Bison hunting appears to be very important in most regions, and connections between peoples in South and Central Texas are indicated by the similarity of two point types, the Scallorn and Perdiz (Austin et al. 1994:21). In South Texas, the Brownsville Complex is known for its trade with frontier Mesoamerican cultures (including the Huastecs of Veracruz), which began around A.D. 1300-1400. These people made shell beads and other ornaments and traded them to the Huastecs in return for pottery vessels, jadeite ornaments, and obsidian, all found in Late Prehistoric sites in the lower Rio Grande valley.

3.7.4 Historic

The introduction of the native inhabitants and Europeans varied from area to area in Texas. In South Texas, Spanish explorers slowly infiltrated the area and set up missions and settlements early

on, about A.D. 1520. They documented the results of encounters with native groups, which tell of a loose collection of hunter-gatherer groups (called Coahuiltecans) that occupied different parts of the Rio Grande basin in a circular seasonal pattern. These people were subjected to near extinction by both the Spanish and more aggressive native groups, and the remaining inhabitants were eventually incorporated into the Spanish Colonial system. Spanish activities in the area around Eagle Pass began with the Fernando Azcue expedition against a Native American group raiding Coahuila, Mexico in 1665 (Webb 1952). Camp Eagle Pass and Fort Duncan were American outposts established in 1845 and 1849, and were abandoned around 1900. Fort Duncan was re-inhabited during WWI, and now resides on the National Register of Historic Places (NRHP). Reservations for the Kickapoo Indians were also established in the area by both the Mexican and U.S. governments in the mid 20th century. Coal mining was an important resource in the area, as was farming (O'Neill 1991:7-8).

3.7.5 Previous Research

A file search was conducted on February 8, 2002 at the Texas Archeological Research Laboratory (TARL) at the University of Texas at Austin. This search included all records of previously recorded cultural resources, including both map and site record files.

No previously located site is present at the location of the proposed USBP station. Two previously recorded sites are within 1 mile of the project area, while an additional 10 sites are within 3 miles. Table 3-2 presents some basic data concerning each of the recorded sites, including the site's trinomial, its distance and direction from the APE, the type of site and time period of occupation, and whether or not it is considered eligible for the NRHP. Of particular interest is site 41MV281, a lithic scatter located on the other side of the same ravine bordering the project area, and site 41MV1, a historic site about 2.5 miles away. Campbell's Store was a general store in operation from 1849 through the Civil War, with thick limestone walls and ceramic, glass, leather, and metal artifacts. Only about 2 to 4 ft of the walls remained when excavated in 1965.

3.7.6 Current Research

An onsite field investigation was conducted on February 11 and 12, 2002, by Ecological Communications Corporation personnel (specific details are contained in a cultural survey report prepared and submitted separately for the USACE and SHPO – if further details are needed they can be obtained from the USACE – Ft. Worth). As the entire surface of the project area was covered with waist-high hay and thick undergrowth, save for the tracks of the dirt road surrounding the area, a 100 percent pedestrian survey was not conducted, although four transects were walked to determine the placement of shovel tests. Alternatively, 20 shovel tests were dug in various locations in and around the project area. A shovel test was excavated at the northwest, northeast, and southeast corners of the research area, and an attempt was made to evenly space the remaining tests within the survey block. A few additional shovel tests were placed in the area bordering the ravine; they would be outside of the plow zone and in an area with good potential for cultural resources. All shovel tests were excavated to an average depth of 40 centimeters below surface (cmbs). The results were recorded on a shovel test record, including global positioning system (GPS) location, depth, cultural material, and soil description.

In addition to shovel testing, the field director of the survey team walked the entire length of the ravine bordering the project area looking for potential buried cultural resources exposed in the walls or material washed into the bottom.

TABLE 3-2 PREVIOUSLY RECORDED SITES WITHIN 3 MILES OF THE PROJECT AREA.

Site	Distance (miles)	Type	Date	NRHP Eligibility
41MV281	0.24 S	Lithic Scatter	Late Prehistoric	Unknown
41MV102	0.68 SE	No Information	No Information	Unknown
41MV104	1.21 SSE	Open Campsite, multicomponent	Late Archaic and Late Prehistoric	Potentially
41MV105	1.24 SE	Open Campsite	Late Archaic/Late Prehistoric	No
41MV204	1.36 WNW	No information	No information	Unknown
41MV70	1.42 NW	Open Campsite	Unknown Prehistoric	No
41MV106	1.49 SW	Open Campsite	Transitional Archaic	Potentially
41MV103	1.73 S	Open Campsite; House Foundation	Unknown Prehistoric; 1930s?	No; Unknown
41MV110	2.17 SSE	Plant Gathering and Processing Site, Quarry	Archaic/Late Prehistoric	No
41MV69	2.23 NNW	Open Campsite	Unknown Prehistoric	No
41MV1	2.48 WSW	Campbell's Store	1849 to ?	Unknown
41MV111	3.0 SSE	Plant Gathering and Processing	Unknown Prehistoric	No

The survey did not identify any archaeological sites, isolated occurrences, or a single piece of identifiable prehistoric cultural material. In addition, no existing structures or buildings were located, nor was any evidence of past structures or buildings. All historic cultural material that was located, i.e., trash in the ravine, was not considered of suitable age or contained enough contextual information to warrant archaeological investigation. The results of the 20 shovel tests are presented in Table 3-3.

TABLE 3-3 RESULTS OF THE SHOVEL TESTS EXCAVATED IN THE PROJECT AREA.

ST	Depth	Items Found	Description
1	0-40 cm	0	Plow zone depth 27 cmbs, sandy clay loam
2	0-40 cm	0	Plow zone depth 29 cmbs, sandy clay loam
3	0-40 cm	0	Plow zone depth 30 cmbs, sandy clay loam
4	0-44 cm	0	Plow zone depth 30 cmbs, sandy loam, large sandstone at bottom
5	0-42 cm	0	Outside of plow zone, loose until 30 cmbs, sandy loam
6	0-40 cm	0	Outside of plow zone, loose until 29 cmbs, sandy clay loam
7	0-40 cm	0	Outside of plow zone, loose until 30 cmbs, sandy clay loam
8	0-40 cm	0	Unknown plow zone depth, clay loam
9	0-40 cm	1 shell at 35 cmbs	Unknown plow zone depth, clay loam
10	0-45 cm	0	Plow zone depth 30 cmbs, sandy clay loam
11	0-40 cm	0	Plow zone depth 27 cmbs
12	0-40 cm	0	Plow zone depth 28 cmbs
13	0-40 cm	0	Plow zone depth 35 cmbs
14	0-40 cm	0	Unknown plow zone depth, clay loam
15	0-40 cm	0	Outside of plow zone, loose until 25 cmbs, sandy clay loam
16	0-40 cm	0	Outside of plow zone, loose until 26 cmbs, sandy clay loam
17	0-40 cm	1 charcoal at 25 cmbs	Outside of plow zone, loose until 27 cmbs, sandy clay loam
18	0-40 cm	0	Plow zone depth 30 cmbs, sandy clay loam
19	0-40 cm	0	Plow zone depth 30 cmbs, sandy clay loam
20	0-40 cm	0	Plow zone depth 25 cmbs, clay loam

3.8 AESTHETIC RESOURCES

Aesthetic resources consist of the natural and manmade landscape features that appear indigenous to the area and give a particular environment its visual characteristics. The current visual characteristics of the general project area is open space and mostly flat semi-arid grassland.

3.9 SOLID AND HAZARDOUS WASTE

There is no known or suspected toxic and/or hazardous material contamination within the proposed project area. However, litter is scattered within the lateral irrigation canal that borders the property, including clothing, rusted tin cans, decayed building materials, broken housewares, bottles, and

other unidentifiable containers. The past contents of most of these containers remains unknown, and the elusive nature of potentially occurring hazardous waste makes it difficult to accurately assess the property.

A Phase I Environmental Site Assessment (ESA) of the property was conducted on the property in May 2002 (USACE 2002). The ESA did not identify any past uses of the property that may have involved the use, storage, or management of potentially hazardous substances. There was no evidence that past activity on the property or any surrounding properties would have resulted in potential environmental liability associated with the property.

3.10 SOCIOECONOMIC DATA

3.10.1 Population

The population of Eagle Pass in 2000 was 22,143. Of these, 94.9% (21,269) were of Hispanic or Latino origin. Maverick County's population in the same time period was 47,297, an increase of 30% over the past 10 years. Approximately 95% of the population of Maverick County in 2000 was of Hispanic or Latino origin (U.S. Census, 2000a,b). A comparative table for populations of Eagle Pass, Maverick County, and the State of Texas is presented in Table 3-4.

3.10.2 Employment and Income

According to the Texas Workforce Commission (TWC), the unemployment rate for Eagle Pass in December, 2001 was 21.4%. The annual rate for 2000 was 19.3%. Maverick County had a December, 2001 unemployment rate of 23.7%, and a 2000 annual rate of 21.4%. These figures are summarized in Table 3-4. High unemployment rates in border towns are often contributed to large numbers migrant workers in the area. The largest employer in Eagle Pass is the Eagle Pass Independent School District. (NBC Bank 1998).

TABLE 3-4 POPULATION AND EMPLOYMENT DATA FOR EAGLE PASS, MAVERICK CO., AND TEXAS

		EAGLE PASS	MAVERICK COUNTY	STATE OF TEXAS
POPULATION		22,413	47,297	20,851,820
%Hispanic/Latino		94.9%	95.0%	32.0%
EMPLOYMENT Unemployment Rates	*Dec.2001* *2000*	21.4% 19.3%	23.7% 21.4%	5.1% 4.2%

4.0 ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION

This section of the EA discusses those environmental factors that would be impacted by the Proposed Action and Alternatives carried through for analysis, including the No-Action Alternative[2]. Table 4-1 presents a comparison of the potential impacts by each area of concern.

An environmental consequence, or impact, is defined as a modification in the existing environment brought about by mission and support activities. Impacts can be beneficial or adverse, a primary result of an action (direct) or a secondary result (indirect), and permanent or long-lasting (long-term) or of short duration (short-term). Impacts can vary in degree from a slightly noticeable change to a total change in the environment.

More specifically, short-term impacts are those that would occur within the project area during and immediately after the construction of the proposed project. For this project, short-term impacts are defined as those tied to the first two years following project implementation, whereas long-term impacts are those lasting more than two years.

Potential impacts for this project were classified at one of three levels: significant, insignificant (or negligible), and no impact. Significant impacts (as defined in CEQ guidelines 40 CFR 1500-1508) are effects that are most substantial, and therefore should receive the greatest attention in the decision-making process. Insignificant impacts would be those impacts that result in changes to the existing environment that could not be easily detected. No-impact actions would not alter the existing environment. In the following discussions, impacts are considered adverse unless identified as beneficial.

Cumulative impacts and irreversible and irretrievable commitment of resources are discussed in separate sections following the discussions of each specific resource. Cumulative impacts are those which result from the incremental impacts of an action added to other past, present, and reasonably foreseeable actions, regardless of who is responsible for such actions.

4.1 AIR RESOURCES

4.1.1 Proposed Action

Under the Proposed Action, exhaust pollutants would be created from on-site heavy equipment and vehicles bringing workers and building materials to the site. Diesel or gasoline-powered heavy equipment would be used during construction of the border patrol station. Additional equipment which could be used at the project site includes: a portable generator; a compressor for hand-operated tools; forklifts for moving materials, ready mix trucks for hauling and pouring concrete, and trucks to deliver construction materials. It is assumed that as many as four pieces of heavy equipment could be used simultaneously during the construction phase.

[2] Note: this EA does not address the potential construction of a firing range on the site, which may be added to the proposed USBP station. Once the engineering plans are complete, a complete assessment of the firing range will be addressed in a Supplemental EA to this document.

TABLE 4-1 COMPARISON OF POTENTIAL IMPACTS

Area of Impact		Proposed Action (border patrol station construction) (approx. 20 acres of disturbance)	No Action
Air Resources	ST: LT:	Insignificant No Impact	No Impact No Impact
Land Use	ST: LT:	Insignificant Insignificant	No Impact No Impact
Geological Resources	ST: LT:	Insignificant No Impact	No Impact No Impact
Water Resources	ST: LT:	Insignificant No impact	No Impact No Impact
Biological Resources	ST: LT:	Insignificant No Impact	Insignificant Insignificant
Noise	ST: LT:	Insignificant Insignificant	No Impact No Impact
Cultural Resources	ST: LT:	No Impact No Impact	No Impact No Impact
Aesthetic Resources	ST: LT:	Insignificant Insignificant	No Impact No Impact
Solid/Hazardous Waste	ST: LT:	Insignificant No Impact	Insignificant No Impact
Socioeconomic	ST: LT:	Beneficial Beneficial	Insignificant Insignificant

TABLE KEY

ST = Short-term Impact.
LT = Long-term Impact.
Beneficial = Impact would be favorable, producing an overall benefit.
Insignificant = Perceptible, but not significant impacts.

Such increases or impacts on ambient air quality during the construction/installation phase would be expected to be short-term and insignificant, and can be reduced further through the use of standard dust control techniques, including watering of the construction site. There would be no net increases in vehicular emissions associated with existence of the checkpoint, so no long-term impacts would be expected to occur.

4.1.2 No-Action Alternative

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. Temporary short-term increases in dust and vehicular emissions would be avoided.

4.2 LAND USE

4.2.1 Proposed Action

Land use would change for the proposed project area from undeveloped agricultural land to a developed USBP station. The construction of the proposed USBP facility may have an insignificant short-term impact on the surrounding area while construction equipment and vehicles access the site. As discussed in section 3.2, the proposed project area represents an extremely small fraction of all land in the region that is suitable for farmland. No unique land use areas will be impacted by the proposed project.

Traffic in the vicinity may increase slightly with the addition of the USBP station, but would represent an insignificant increase over current use. Additionally, the FM 1021 roadway is currently being widened to accommodate present and projected traffic needs within the Eagle Pass area. As such, any increase in traffic due to the Proposed Action may be unnoticeable. Overall, the implementation of the Proposed Action is expected to have an insignificant long-term impact on land use of the area.

4.2.2 No-Action Alternative

Under the No-Action alternative, no construction would take place. The property would remain undeveloped.

4.3 GEOLOGICAL RESOURCES

4.3.1 Proposed Action

It is not likely that geologic hazards such as seismic events, landslides, subsidence, or increased flooding would result from implementation of the Proposed Action. Conversely, the construction or utilization of the office facility is not likely to be impacted by any geologic hazard in the general project area.

Site development will involve grading work. To assist in offsetting impacts from the grading work, best management practices, such as soil/erosion fencing and will be implemented.

During the construction phase, the probability of soil contamination from on-site fuel systems exists, although it is not likely. Any such spills would be reduced with the use of secondary containment and would be subject to complete clean up under the state's guidelines. There is not expected to be any long-term impact to geology from implementation of the Proposed Action.

4.3.2 No-Action Alternative

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. There would be no impact to soil; no possibility of contamination from construction related activities; and no loss of prime farmland soil or soil of statewide importance. The No-Action Alternative would have no impact to any geologic resource.

4.4 WATER RESOURCES

4.4.1 Proposed Action

Only minimal water usage would be expected during the construction phase of the proposed project. Water necessary during this phase would be brought in by tank truck and is expected to be only a minimal amount. Stabilization of any disturbed soil, through landscaping, at the conclusion of the construction, would eliminate the potential for sediments to be carried into stormwater runoff. Therefore, impacts to water resources from the construction phase of the Proposed Action are expected to be short-term and insignificant.

The new station will include drinking water and showers. Water will be obtained from the City of Eagle Pass. The City has adequate capacity to provide water to the new station, and the increase in water usage resulting from the expansion of the staff to 300 personnel will not have a significant adverse impact on municipal water supplies.

The increase in impermeable surface area will slightly increase runoff. However, the final plans and specifications for the project will ensure that this increase in runoff does not adversely affect any floodplain or increase flooding. If necessary, detention facilities could be provided to reduce the runoff. No permanent structures will be constructed in floodplains as part of the Proposed Action. Flood-prone portions of the property will fall almost entirely within a buffer zone between the canal and a perimeter fence.

No deterioration of natural drainages, disruption of drainage patterns, or degradation of existing surface water quality in the area is expected from the long-term implementation and operation of the Proposed Action. Further, there are no jurisdictional waters of the U.S. located within the project area; thus, a Section 404 permit for dredging or filling would not be required as a result of the Proposed Action. Floodplains, however, do exist within the project area and extend approximately 40-60 meters beyond the banks of the canal, covering approximately 3-5 acres. According to David Even, USBP, the permanent sanitary facilities planned for the project site will be tied into existing

City of Eagle Pass wastewater facilities. Additionally, any solid waste materials generated during construction or during facility usage will be disposed at an approved waste disposal facility. Due to these facts, no long-term impacts to surface water resources are expected from construction and operation of the Proposed Action.

4.4.2 No-Action Alternative

No change in baseline conditions would be expected from the No-Action Alternative; therefore, no impact is expected from this alternative.

4.5 BIOLOGICAL RESOURCES

A site visit was conducted in February 2002 by biological and archeological personnel from Ecological Communications Corporation (EComm). A 100-percent survey was conducted for the approximately 39-acre site. This survey was conducted in an effort to inventory biological resources at the proposed project areas and evaluate the potential effects of the Proposed Action on these resources. Prior to the site reconnaissance, all available project-related literature was reviewed and information from TPWD and the USFWS was obtained regarding Federally and state-listed threatened and endangered species or special species of concern.

4.5.1 Proposed Action

4.5.1.1 Vegetation

Based on the typical layout of border patrol stations used by the USBP's Laredo and Del Rio Sectors, it is estimated that vegetation would be cleared from approximately half of the property, or about 20 acres. However, as final designs for the station have yet to be approved, exact acreage of disturbance is difficult to determine. The vegetation that would be removed is common and widespread throughout the region where cultivation is frequent. As such, the loss of vegetation due to the proposed construction is insignificant.

No protected species of vegetation were observed during the February 2002 site visit. In the unlikely event that specimens of a protected species were observed in the construction area, they would be flagged for avoidance prior to the start of construction. For those individual plants that could not be avoided, coordination with TPWD would be conducted to facilitate salvage and relocation of the specimens. All TPWD requirements would be met prior to the inception of project activities.

Because the proposed construction would be located on previously disturbed land, and the amount of native vegetation that would be lost is small, the Proposed Action would have an insignificant short-term impact on vegetation in the vicinity. During the operational stage of the Proposed Action, there would be no ongoing or additional impacts to vegetation; thus, there would be no long-term impacts.

4.5.1.2 Fish and Wildlife

No long-term impacts to either small mammal, reptile, and bird populations would be expected. Larger terrestrial wildlife movements should not be affected due to the presence of identical habitat surrounding the area of proposed construction and extending for many miles. Additionally, construction activities would be conducted only during daylight hours, thereby avoiding the early morning hours or nighttime hours when wildlife species are most active. As a result, during construction activities, short-term impacts on wildlife species are expected to be insignificant.

4.5.1.3 Threatened and Endangered Species

Under the Endangered Species Act, formal consultation with the USFWS is required for any action that may affect Federally-listed species. Additionally, Federal agencies are required to ensure that any action authorized, funded, or carried out by such agencies would not be likely to jeopardize the continued existence of any threatened or endangered species. More information on threatened and endangered species may be found in Appendix B.

No Federally-listed threatened, endangered or proposed species were observed during February 2002 pedestrian surveys of the proposed project area. It is not expected there would be any direct or indirect impacts to Federally-listed threatened or endangered species. Specific habitat requirements for the majority of the listed species are not met in the immediate area of the proposed project site. No designated critical habitat for Federally-listed species occurs within the area of the proposed project site.

Based on the information provided in Section 3.5.4 for flora and fauna species, their preferred habitats, and lack of evidence that these species occur within the project area, it would be unlikely that any Federally-listed threatened or endangered species would be found within the proposed project area, except on a transient basis. Additionally, impacts to any sensitive vegetation would be avoided or minimized. Therefore, the Proposed Action would no short- or long-term impacts on Federally-listed threatened and endangered species.

4.5.2 No-Action Alternative

Under the No-Action alternative, no construction would take place. The acreage would continue to be used as a hay field, undergoing seasonal plowing and harvesting. As a result, there would continue to be insignificant short- and long-term impacts to endangered species.

4.6 NOISE

Noise naturally dissipates by atmospheric attenuation as it travels through the air. Some other factors that can affect the amount of attenuation are ground surface, foliage, topography, and humidity. For each doubling of distance from the source, the noise level can be expected to decrease by approximately 6 dB. This method is a very conservative estimate of noise levels. A significant impact would be an increase in the ambient noise levels to a level of physical discomfort, or 120 dBA.

4.6.1 Proposed Action

Temporary construction noise impacts vary markedly because the noise intensity of construction equipment ranges widely as a function of the equipment and its level of activity. Short-term construction noise impacts tend to occur in discrete phases dominated initially by large earthmoving equipment and later by hand-operated tools. The noise produced by an assemblage of heavy equipment involved in urban, commercial, and industrial development typically ranges up to about 89 dBA at 50 feet from the source (USACE 1995).

Over the proposed project area, receptors are located well beyond these distances. Given the heavy traffic noise resulting from current traffic adjacent to the site, the noise expected from the proposed construction activities would not significantly increase existing noise levels in the area. Therefore, only insignificant noise impacts are expected from the construction phase of the proposed project. Likewise, insignificant long-term noise impacts, due to the routine coming and going of vehicles, are expected during the operation phase of the project.

4.6.2 No-Action Alternative

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. No long- or short-term noise impacts would occur.

4.7 CULTURAL RESOURCES

4.7.1 Proposed Action

Within the 38.79 acres of the project area, no archaeological sites or any cultural materials were located during the survey. In addition, no structures or buildings were located on the property, and no evidence of past structures or buildings was observed. The proposed project area is a hay field that has been plowed many times over. Such previous agricultural practices make it unlikely that any surface cultural material present in the project area that was missed by the survey would have remained *in situ*, and as such, archaeological context would have been destroyed. Therefore, it is anticipated that no archaeologically significant material would be disturbed during any construction activities in the project area. Based on these investigations, the area is recommended for cultural resources clearance *(a cultural report of this site has been prepared separately and is currently under review by the SHPO – their approval or recommendations will be noted in the Final EA).*

4.7.2 No-Action Alternative

Under the No-Action Alternative, no USBP facility would be constructed. Baseline conditions would not change and the current agricultural use would continue at the site. There would be no impacts, above the current level of impacts (to the depth of the plow blade), associated with the No-Action Alternative.

4.8 AESTHETIC RESOURCES

4.8.1 Proposed Action

As noted in Section 3.8, the current visual characteristics of the general project area are open space and mostly flat, semi-arid grassland. Under the Proposed Action, aesthetic resources would be insignificantly impacted be the construction activities. However, construction activities are short-term and would not have a permanent impact on the subject areas. There would be insignificant long-term impacts to aesthetic resources under this alternative, as light commercial facilities are common in the general vicinity of the project area.

4.8.2 No-Action Alternative

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. No short- or long-term impacts to aesthetic resources would occur under this alternative.

4.9 SOLID AND HAZARDOUS WASTE

4.9.1 Proposed Action

Because of the random nature of illegal dumping along the border areas, it is difficult to determine the location and quantity of hazardous waste that may be present within the general project area. If hazardous materials or wastes are present, there would be a potential for exposure during construction activities. Construction personnel would be informed about the potential to encounter hazardous wastes that may be present on the site from dumping and the appropriate procedures to use if suspected hazardous contamination is encountered. Under the proposed project, it is assumed that safety risks will be reduced through standard safe practices, such as wearing hard hats, steel-toed boots, gloves, ear protection, face masks, safety vests, and other equipment, where appropriate and/or prescribed by state and/or Federal worker health and safety laws and regulations.

During construction and installation activities, fuels, oils, lubricants, and other hazardous materials will be used. An accidental release or spill of any of these substances could occur. A spill could result in potentially adverse impacts to on-site soils and threaten the health of the local population, as well as wildlife and vegetation. However, the amounts of fuel and other lubricants and oils would be limited, and the equipment to quickly limit any contamination would be located on site. Additionally, a Spill Prevention, Control and Countermeasures Plan (SPCCP) will be in-place prior to construction, and all personnel will be briefed on the implementation and responsibilities of the plan. As a result, only short-term insignificant impacts would be expected to result from construction activities.

The operation of the station is not expected to produce hazardous waste. Its gasoline storage tank will be equipped with leak detection and spill control systems. Additionally, all solid waste generated will be collected on site and disposed at a state-approved solid waste landfill facility. As a result, no long-term impacts are expected from the implementation of the Proposed Action.

4.9.2 No-Action Alternative

Under the No-Action alternative, no construction would take place. The USBP's efforts to curb illegal immigration would continue to be hampered by its use of an overcrowded facility. An anticipated reduction in trash and debris associated with UDA's attempting to cross the border would thus not occur, resulting in an adverse but insignificant impact.

4.10 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

4.10.1 Socioeconomics of Proposed Action

This alternative would provide direct and indirect economic benefits to area companies and employees as a result of construction activities, and through economic multiplier effects. The impacts on the socioeconomic resources in the region of influence (ROI) such as population, employment, income, and business sales would be beneficial. Construction activities would most likely be performed by local personnel/businesses. Therefore, it is anticipated that these activities would not induce permanent in- or out-migration to the ROI. As a result, the overall area population would not be significantly impacted.

Direct expenditures associated with the proposed project would have a minimal impact on employment, income, and sales within the ROI. Although most labor and some materials would be brought into the local area, some expenditures are expected to occur within the ROI. Short-term increases in local revenues for commercial establishments, trade centers, and retail sales will result from the purchase of supplies and equipment rental. Any potential impacts from the construction activities, however, would easily be absorbed into the broader economy of the ROI.

In the long-term, the socioeconomic impacts of this alternative are expected to be beneficial due to the expected increase in alien apprehension and a decrease in drug trafficking, smuggling, and terrorism. Additionally, the proposed facility would house increased USBP staff that would contribute to locally economy due to expenditures by such staff. Construction-related revenues, however, would easily be absorbed into the broader economy of the ROI, making such a contribution relatively insignificant. In a broader sense, the additional staff would help reduce socioeconomic impacts and burdens that currently exist on local law enforcement and the medical communities in the surrounding areas. In short, long-term impacts would be beneficial, though insignificant.

4.10.2 Environmental Justice of Proposed Action

EO 12898 of 11 February 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," required that each U.S. Federal agency identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low income populations in the U.S.

The proposed construction would not restrict the flow of legal visitation, trade, or immigration. Therefore, there would be no expected disproportionately high or adverse impacts on minority or

low-income populations. Under the definition of EO 12898, there would be no adverse short or long-term environmental justice impacts.

4.10.3 No-Action Alternative

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. The USBP would continue to combat illegal immigration, smuggling, and potential terrorist activity in the area at the current overcrowded facilities, hampering the agency's ability to meet its mandate. As a result, the citizens of Eagle Pass would be subjected to potential adverse safety and economic consequences of illegal immigration that could otherwise be reduced by the Proposed Action. Selection of the No-Action Alternative would potentially have a negative, though insignificant, impact on environmental justice and socioeconomic resources in the ROI.

4.11 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Irreversible and irretrievable commitments of resources would include a minimal amount of soil lost through wind and water erosion, a minor loss of small animal habitat due to construction activities, loss of cultural resources mitigated through a treatment plan, and loss of materials, energy and manpower expended during construction of the project.

4.12 CUMULATIVE IMPACTS

With the exception of the proposed firing range, as previously discussed in Section 2.2, the assessment of cumulative impacts is addressed in NEPA by its reference to interrelations of all components of the natural environment. The CEQ defined cumulative impact as the incremental impact of multiple past, present, and future actions with individually minor but collectively significant effects. Cumulative impacts can be concisely defined as the total effect of multiple land uses and developments, including their interrelationships, on the environment (Bain *et al.* 1986).

4.12.1 Past Projects

The proposed project area has been used for agricultural (hay) production for many years. Prior to that it was undeveloped acreage. Although the adjacent property to the west is also a hay field, the property adjacent to that (as well as the property from that point back into Eagle Pass) is used for light commercial industry. Property to the east of the site has been and is currently either undeveloped or in agricultural production.

4.12.2 Current and Future Projects

The USBP indicated that no other known USBP or INS projects were planned for the Eagle Pass area within the foreseeable future. The Eagle Pass area, however, is growing rapidly, and it is likely that this growth will include a variety of public works and infrastructure projects. For example, neither the City of Eagle Pass nor El Indio Water Supply Co. currently serves the proposed site. An agreement to provide water to the site, however, is expected within 60 days. Growth in Eagle Pass may warrant a greater USBP presence in the future and may result in the need for future construction projects.

A key factor to consider in assessing potential cumulative impacts of future USBP projects in the area is the lack of a cause-and-effect relationship between such projects and the overall development of the area. While public works and infrastructure projects may facilitate further growth, the Proposed Action and any other such future USBP projects do not. The cause-and-effect relationship with development is effectively reversed for projects such as those typically undertaken by the USBP- it is development of an area that attracts smugglers of drugs and illegal aliens and thus necessitates an increased USBP presence. The Proposed Action addressed by this EA, for example, is very unlikely to lead directly to increased growth of the area, and its impacts on the natural environment are negligible compared to those resulting from the development that will likely occur whether or not it is implemented. It is likely that the same would be true of future USBP construction activities. As such, it is unlikely that future USBP projects would result in significant adverse indirect effects.

A positive cumulative impact will be realized by the additional cultural resource baseline data that has been gathered during the production of the various environmental documents and the data recovery activities, such as those noted in this environmental assessment. The USBP will continue to coordinate fully with the Texas State Historic Preservation Officer, as required by Section 106 of the NHPA, for all of its future construction projects on undeveloped property. Future USBP actions would follow the same strategy of avoidance (if possible) of cultural resources.

Direct cumulative impacts on economics from future USBP projects would be expected to be beneficial but insignificant, depending upon the amount of local expenditures and economic multipliers in the region (USACE 2000). However, the cumulative impact to the quality of life in Eagle Pass, and in all communities for which intercepted drugs and illegal aliens were destined, could be significant and beneficial if the USBP is successful at curbing illegal entry and drug trafficking.

When combined with past, present, and known future projects in the Eagle Pass area, it is difficult to determine the exact indirect impacts. However, USBP construction activities would have been (and will continue to be) subject to analysis under the existing laws protecting the environment. The greatest cumulative impacts (both direct and indirect) resulting from the growth of the population in Eagle Pass would be to soils, water supply, air quality, land use, and socioeconomics. Responsible growth by the city would have insignificant cumulative impacts on biological and cultural resources.

4.12.3 No Action Alternative

The negative impact of continued illegal immigration with the resultant increases in crime and smuggling is a consequence of the No Action Alternative. Further, this alternative would potentially degrade the integrity of the U.S. Border in terms of homeland security and defense. Additionally, over crowded and over used USBP facilities are a negative factor in the operational effectiveness of the USBP, as well as a morale issue impacting the retention of these officers.

4.13 MITIGATION MEASURES

This chapter describes environmental design measures that would be implemented as part of the proposed project to reduce or eliminate impacts from construction activities. Due to the short-term nature of the proposed construction activities, impacts are expected to be insignificant; therefore, mitigation measures are only described for those resources with potential for impacts.

4.13.1 Water Resources

Standard construction procedures would be implemented to minimize the potential for erosion and sedimentation during construction activities. All work would cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material. Storage or staging sites would be located at least 0.50 miles from wildlife or livestock tanks or other permanent surface water bodies to reduce potential effects of accidental spills. Conservation measures would be implemented to preclude unnecessary waste of water supplies. Discharges of gray water and other wastes to drainages or other water courses/bodies will be prohibited. Portable latrines, provided and maintained by licensed contractors, would be used to the extent practicable during construction and operational support activities.

4.13.2 Air Quality

Mitigation measures would include dust suppression methods to minimize airborne particulate matter that would be created during construction activities. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions. Standard construction practices would be used to control fugitive dust during the construction phases of the proposed project. Coordination with USEPA Region 6 will be performed to provide specific notification of Proposed Actions and obtain necessary permits for operators of equipment and vehicles in accordance with air quality regulations.

4.13.3 Biological Resources

Impacts to existing vegetation during construction activities will be minimized through avoidance. Disturbed sites would be utilized to the maximum extent practicable for construction and operational support activities. Additionally, attempts to minimize loss of vegetation may include: (1) trimming vegetation along roadsides rather than removing the entire plant; (2) requiring heavy equipment to utilize road pullouts or other such disturbed areas; and (3) considering the possibility of revegetative efforts. Native seeds or plants which are compatible with the enhancement of protected species will be used to the extent feasible, as required under Section 7(a)(1) of the Endangered Species Act.

Additional mitigation measures will include best management practices during construction to minimize or prevent erosion and soil loss. Vehicular traffic associated with engineering and operational support activities will remain on established roads to the maximum extent practicable. Areas with highly erodible soils will be given special consideration when designing the proposed project activities to ensure incorporation of various compaction techniques, aggregate materials,

wetting compounds, and revegetation to ameliorate the subsequent soil erosion. Borrow materials, if required, will be obtained from established borrow pits or from approved on-site sources.

4.13.4 Noise

During the construction phase, noise impacts are anticipated at local human receptors. As required by Occupational Safety and Health Administration (OSHA), earplugs will be worn by employees working in environments with continuous noise levels of 8 hours per day above 90 dBA. Because of the increased noise sensitivity during quiet hours, time limits on on-site construction activities are warranted for grading and the use of heavy equipment. On-site activities will be restricted to daylight hours on Monday through Saturday, except in emergency situations, and only maintenance of equipment permitted on Sundays. Additionally, all construction equipment will possess properly working mufflers and be kept in a proper state of tune to reduce backfires. Implementation of these measures will reduce noise impacts to an insignificant level.

4.13.5 Cultural Resources

As previously discussed in 3.7 and 4.7, no cultural sites have been located on the subject property. Additionally, past agricultural practices have disturbed the integrity of any surface features that may have been previously present. As such, no mitigation is necessary.

Unanticipated Discovery of Buried Cultural Material/Human Remains. If buried cultural material, including human remains, are encountered at any place, whether on a cultural resource site or at any other place, work in the vicinity will cease immediately and the stipulations of the Native American Graves Protection and Repatriation Act will be implemented.

4.13.6 Solid and Hazardous Wastes

With proper handling, storage, and/or disposal of hazardous and/or regulated materials there would be no significant adverse impacts to onsite workers and neighboring flora and fauna. To minimize potential impacts from hazardous and regulated materials, all fuels, used oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein.

The refueling of machinery will be completed following accepted guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it would be unlikely for a major spill to occur, any spill of five gallons or more will be contained immediately within an earthen dike, and the application an absorbent (e.g., granular, pillow, sock, etc) will be used to absorb and contain the spill. Any major spill of a hazardous or regulated substance will be reported to on-site environmental personnel who would notify appropriate Federal and state agencies.

Additionally, all personnel will be briefed on the correct procedures for prevention of and response to a spill. A SPCCP will be in place prior to the start of construction, and all personnel will be briefed on the implementation and responsibilities of this plan. Adoption and full implementation

of the construction measures described above will reduce adverse hazardous/regulated substances impacts to insignificant levels.

All used oil will be recycled if practicable. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures.

5.0 LIST OF PREPARERS

Project Manager/ Ecologist	Victor Palma Ecological Communications Corporation B.S. in Biology M.S. in Aquatic Biology Years of Experience: 21
Technical Editor	Jill S. Madden Ecological Communications Corporation B.S. in Wildlife and Fisheries Sciences Years of Experience: 20
Archaeologist	Mindy Bonine Ecological Communications Corporation B.A. in Anthropology M.A. in Anthropology Years of Experience: 8
Biologist	Jeremy Walther Ecological Communications Corporation B.S. in Wildlife and Fisheries Sciences Years of Experience: 2
USACE Point of Contact	Charles McGregor Fort Worth District B.A. Chemistry Years of Experience: 7
INS Central Region Program Manager	Frederick W. Olison Regional Environmental Officer B.S. Engineering Years of Experience: 8
INS Facilities and Engineering Division	Kevin Feeney Environmental Officer M.P.A.; B.S. Accounting/Finance Years of Experience (w/ NEPA): 20
INS A-E Resource Center Point of Contact	Eric Verwers Program Manager and EA Review and Coordination
USBP Point of Contact #1	David Even USBP Agent Eagle Pass, Texas

6.0 AGENCY AND ORGANIZATION COORDINATION

This chapter discusses consultation and coordination that occurred in the preparation of this document. This includes contacts made during development of the Proposed Action, elimination of alternatives, and writing of the EA. Formal and informal coordination has been conducted with the following agencies:

- Immigration and Naturalization Service (INS);
- U.S. Border Patrol (USBP);
- U. S. Army Corps of Engineers (Fort Worth District);
- Texas Parks and Wildlife Department
- State Historic Preservation Office (SHPO); and
- U.S. Fish and Wildlife Service (USFWS)
- City of Eagle Pass.

The Draft EA was made available for public review and letters of coordination can be found in Appendix C. Appendix D contains a copy of the Public Notice of Availability.

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8.0 LIST OF ACRONYMS AND ABBREVIATIONS

AQI	Air Quality Index
AR	Army Regulations
ARNG	Army National Guard
C	Candidate Species
CAA	Clean Air Act
CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
cmbs	Centimeters below surface
CPL	Central Power & Light
CWA	Clean Water Act
dB	Decibels
Dba	A-weighted decibels
EA	Environmental Assessment
EComm	Ecological Communications Corporation
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act or Environmental Site Assessment
FM	Farm to market
FONSI	Finding of No Significant Impact
GAO	General Accounting Office
HMTA	Hazardous Material Transportation Act
Hz	Hertz
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
Ldn	Day/night noise levels
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Protection Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
OHWM	Ordinary High Water Mark
OSHA	Occupational Safety and Health Administration
RCRA	Resource Conservation and Recovery Act
REC	Records of Environmental Consideration
ROI	Region of Influence
SARA	Superfund Amendments and Reauthorization Act
SDWA	Safe Drinking Water Act
SHPO	State Historic Preservation Officer
SPCCP	Spill Prevention, Control and Countermeasures Plan

TNRCC	Texas Natural Resource Conservation Commission
TPWD	Texas Parks and Wildlife Department
TSCA	Toxic Substances Control Act
TWC	Texas Workforce Commission
U.S.	United States
USACE	United States Army Corps of Engineers
USBP	United State Border Patrol
USC	United States Code
USEPA	United States Environmental Protection Agency
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

Photo 1. Typical view of project area. Taken from southeast corner.

Photo 2. Typical view from within lateral irrigation canal.

Photo 3. View of lateral irrigation canal along southern boundary of project area.

Photo 4. FM 1021 facing west, along northern boundary of project area.

June 6, 2002

Mr. William Fickel
US Army Corps of Engineers
Fort Worth District
Planning, Environmental, and Regulatory Division
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Mr. Fickel:

This letter is in response to your review request, dated April 17, 2002, for potential impacts to rare and threatened and endangered (T&E) species from the proposed construction of an Immigration and Naturalization Service US Border Patrol Station approximately 1 mile southeast of Eagle Pass along FM 1021 in Maverick County.

Given the small proportion of public versus private land in Texas, the TPWD Biological and Conservation Data System (BCD) does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the BCD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features in your project area. These data cannot substitute for an on-site evaluation by your qualified biologists. The BCD information is intended to assist you in avoiding harm to species that may occur on your site.

Based on the project as presented, the TPWD list for Maverick County, and presently known BCD records for the general project area, the following listed species could be impacted by project activities, if suitable habitat is present:

Federal and State Listed Endangered
Ocelot (*Felis pardalis*)
Jaguarundi (*Felis yaguarondi*)

State Listed Threatened
Proserpine Shiner (*Cyprinella proserpina*)
Reticulate Collared Lizard (*Crotaphytus reticulatus*)
Indigo Snake (*Drymarchon corais*)
Texas Tortoise (*Gopherus berlandieri*)
Texas Horned Lizard (*Phrynosoma cornutum*)

TPWD recommends the Maverick County list be reviewed as rare and T&E species could occur depending upon habitat availability. If rare and T&E species,

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512-389-4800
www.tpwd.state.tx.us

special features, or natural communities are found within or near the project area, TPWD recommends precautions be taken to avoid adverse impacts to them.

Migratory bird species may not be disturbed and must be dealt with in a manner consistent with the Migratory Bird Treaty Act (MBTA). The MBTA implicitly prohibits intentional and unintentional take of migratory birds, including their nests and eggs, except when authorized under a US Fish and Wildlife (FWS) permit. TPWD recommends construction activities not be conducted during the general bird nesting season, from March to August, to avoid adverse impacts to nesting birds. Additional information regarding the MBTA may be obtained through the Southwest Regional Office (Region 2) Division of Migratory Birds, FWS, at (505) 248-6879 or the Migratory Birds Permits Office at (505) 248-7882.

Few rare and T&E species could be ruled out for this review because complete, site-specific information was not provided about the project. Please use the enclosed "Threatened and Endangered Species Review" form with all future review request letters. Providing more information, such as vegetation and soils description and photographs, with your review requests is valuable when reviewing projects, allows for a more focused review, and often expedites the review process. If you would like this form sent to you electronically, please contact me.

This letter does not constitute a general review of fish and wildlife impacts that might result from the activity for which this information is provided. Should you need such a review, contact Kathy Boydston, TPWD Wildlife Habitat Assessment Program, Wildlife Division (512) 389-4571.

Thank you for the opportunity to comment on this project. Please contact me if you have any questions or need additional assistance (512) 912-7054.

Sincerely,

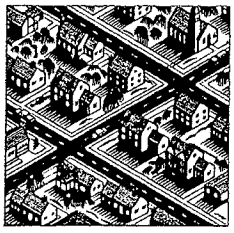
Amy Sugeno

Amy Sugeno, Habitat Review Assistant
Wildlife Habitat Assessment Program, Wildlife Division
Threatened and Endangered Species

Enclosure

TEXAS PARKS AND WILDLIFE

Wildlife Habitat Assessment Program
Threatened and Endangered Species Review
3000 S. IH-35, Suite 100
Austin, Texas 78704
512/912-7011 phone
512/912-7058 fax
www.tpwd.state.tx.us



Threatened and Endangered Species Review

This service includes an analysis of your site-specific assessment of environmental information and impacts on threatened, endangered, and other rare species, natural communities, and special features presently known and/or potentially occurring in the vicinity of a project. Please complete this form, attach a write-up for Numbers 1 through 8 listed below, and send this information to us at the above address. We will provide you an analysis and/or recommendations based on the most current information available to Texas Parks and Wildlife regarding these sensitive natural resources. Please allow up to 8 weeks for review, depending on the size of your request. Note that the more information you provide, the more customized our review, and the faster our turnaround. If you need only **state or county level information** for preliminary project planning, in lieu of this form please contact our administrative staff at (512) 912-7011.

NAME DATE
COMPANY PHONE
ADDRESS FAX
Project Title: County(ies):

1) Scope of Project – Why is the review being requested?
   a) What regulations will this review help you to comply with?
   b) What activities will be conducted at the site?

2) Vegetation - structure and composition, vegetation layers, height of layers, dominant species

3) Other Natural Resources/Physical features - watercourses, soils, geology, animals, etc.

4) Improvements - extent of pavement, gravel, shell, or other cover; buildings, landscaped, xeriscaped, drainage system, etc).

5) Historic Use of Site - Describe in detail.

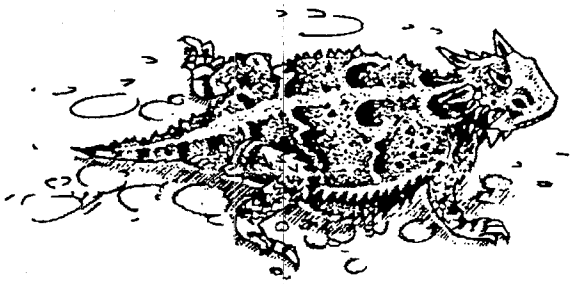
6) Has a T & E survey already been performed? If Yes, provide surveyor name, qualifications, survey method; acreage surveyed; level of effort; weather conditions, time of day, and dates the survey was performed.

7) Description of potential negative impacts from project activities and avoidance, minimization, and mitigation measures planned. Describe briefly.

8) Description of planned beneficial enhancements or restoration efforts. Describe briefly.

9) Original(s) or photocopy(ies) of relevant portion(s) of USGS 7.5' topographic quadrangle(s) or best map(s) available.

10) Original(s) or color-copied photograph(s), or aerial photograph(s).



TPWD would like to inform you that due to the increase in requests for **threatened and endangered species review** of proposed projects, charges have been instituted for this service. Since TPWD is largely a self-funded agency, this revenue will allow for additional staffing to provide more timely responses to review requests. The charges are based on a flat fee (minimum charge of $50/project site), except when the project is unusually large ($25/additional hour). The response letter for these projects will be provided within 8 weeks, longer for large projects, and accompanied by an invoice, which will be due upon receipt. Government agencies are exempted from these charges. Private consultants performing work under contract for government entities will be charged.

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

March 4, 2002

Planning, Environmental and Regulatory Division

Subject: Project initiation and coordination under Section 106 and NEPA for the proposed new US Border Patrol Station construction at Eagle Pass, Texas

Texas Historical Commission
Archaeology Division
ATTN: Ms. Debra Beene
Capitol Station
P.O. Box 12276
Austin, TX 78711-2276

Dear Ms. Beene:

The U.S. Army Corps of Engineers - Ft. Worth District, acting on behalf of the INS and the U.S. Border Patrol, has completed a pedestrian archaeological survey of the area of potential effect (APE) for this proposed project. Also we are preparing an environmental assessment for the proposed action of constructing a new facility to serve as the Eagle Pass US Border Patrol Station. The new facility is necessary to accommodate an increased number of agents and various infrastructure systems to enhance the USBP's ability to detect and apprehend undocumented aliens and drug traffickers. To meet the need for more administrative space, the construction of a USBP station is proposed at a location about 2 miles southeast of Eagle Pass. This new station will supplement an existing USBP station that has already exceeded its design capacity by more than fourfold.

The proposed action would involve construction activities within the proposed project area (Figure 1). According to the National Environmental Policy Act and the National Historic Preservation Act and 36 CFR Part 800, the USBP must assess the potential environmental impacts of the proposed action and alternatives. The draft cultural resource survey is enclosed for your review and comment. The findings indicate no archaeological sites or any cultural materials were located during the survey.

Given the survey findings and in accordance with 36 CFR Part 800.4(d)(1), we request your concurrence with our determination of no historic properties affected. If you have any questions regarding this project, please contact Ms. Patience Patterson at (817) 886-1723.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

TEXAS HISTORICAL COMMISSION
The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
JOHN L. NAU, III, CHAIRMAN
F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

11 April 2002

William Fickel, Jr.
Chief, Planning, Environmental and Regulatory Division
Ft. Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Draft Report: "*Cultural Resource Survey of a Proposed Border Patrol Station in Eagle Pass, Maverick County, Texas*" (COE)

Dear Chief Fickel:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Debra L. Beene, has completed its review. Because cultural resources were not found during the current investigation, we concur that the proposed project should not have an effect on historic properties eligible for inclusion in the National Register of Historic Places. The project should proceed without further consultation with our office; however, please have the author incorporate the comments provided in Attachment I prior to submitting the twenty copies of the final report.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your assistance in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Debra L. Beene at 512/463-5865.**

Sincerely,

for
F. Lawerence Oaks, State Historic Preservation Officer

Attachment I: Review Comments
cc: Mindy L. Bovine, Ecological Communications Corporation
FLO/dlb

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

April 17, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Environmental Assessment for Construction of U.S. Border Patrol Station Eagle Pass, Texas

Ms. Dorinda Sullivan
Natural Heritage Program
Texas Parks and Wildlife Department
3000 IH-35 South, Suite 100
Austin, Texas 78704

Dear Ms. Sullivan:

The U.S. Army Corps of Engineers, Fort Worth District, is acting on behalf of the U.S. Immigration and Naturalization Service (INS) in preparing an Environmental Assessment (EA) addressing the proposed construction of a U.S. Border Patrol (USBP) station approximately one mile southeast of the City of Eagle Pass, Maverick County, Texas. The proposed construction would take place on the south side of Farm-to-Market Road (FM) 1021. The enclosed map indicates the proposed location of this facility (Attachment 1: Map of Callaghan Ranch North 7.5-minute USGS quadrangle). This project has been requested by the USBP to support its mission of anti-terrorism, curtailing the smuggling of drugs and illegal aliens into the U.S., and protecting National security.

The proposed project would entail construction of a headquarters complex over an approximately 39-acre parcel of land. The new complex would help to alleviate overcrowded conditions at the existing station. The existing USBP station was designed to house 70 USBP agents and staff, but currently houses more than 300 USBP personnel. The proposed project area is currently used for agricultural (hay) production. The action is proposed to begin in the summer of 2002.

We are contacting your office to solicit your assistance in determining if any state-listed threatened, endangered, or other species of concern near the proposed project site could be impacted by the Proposed Action. A listing of threatened and endangered species has been received from your office, and is enclosed (Attachment 2). Please notify us, at your earliest convenience, if there have been any changes to this list since its publication.

A copy of the draft EA will be forwarded to your office upon completion. If you require additional information, please contact Mr. Charles McGregor of my staff at 817-886-1708.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Attachments

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

April 17, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Environmental Assessment for Construction of U.S. Border Patrol Station Eagle Pass, Texas

U.S. Fish and Wildlife Service
Ecological Services
ATTN: Field Supervisor
c/o Corpus Christi State University
Campus Box 338
6300 Ocean Drive
Corpus Christi, TX 78412

Dear Field Supervisor:

The U.S. Army Corps of Engineers, Fort Worth District, is acting on behalf of the U.S. Immigration and Naturalization Service (INS) in preparing an Environmental Assessment (EA) addressing the proposed construction of a U.S. Border Patrol (USBP) station approximately one mile southeast of the City of Eagle Pass, Maverick County, Texas. The proposed construction would be located on the south side of Farm-to-Market Road (FM) 1021. The enclosed map indicates the proposed location of this facility (Attachment 1: Map of Callaghan Ranch North 7.5-minute USGS quadrangle). This project has been requested by the USBP to support its mission of anti-terrorism, curtailing the smuggling of drugs and illegal aliens into the U.S., and protecting National security.

The proposed project would entail construction of a headquarters complex over an approximately 39-acre parcel of land. The new complex would help to alleviate overcrowded conditions at the existing station designed to house 70 USBP agents and staff, but currently houses more than 300 USBP personnel. The proposed project area is currently used for agricultural (hay) production. The action is proposed to begin in the summer of 2002.

We are currently in the processes of gathering the most current information regarding Federally listed species potentially occurring within Maverick County and respectfully request your agency provide a listing of the protected species along with a description of the sensitive resources (e.g., rare or unique plant communities, threaten and endangered and candidate species, etc.) that you believe may be impacted by the proposed activity.

A copy of the draft EA will be forwarded to your office upon completion. If you require additional information, please contact Mr. Charles McGregor of my staff at 817-886-1708.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Attachments

TEXAS HISTORICAL COMMISSION
The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
JOHN L. NAU, III, CHAIRMAN
F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

23 July 2002

Charles McGregor
Ft. Worth District, Corps of Engineers
Attn: CESWF-PER-EE
Room 3A14
819 Taylor Street
Fort Worth, Texas 76102-0300

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Draft EA: "*Proposed Construction of Border Patrol Station in Eagle Pass, Texas*" Maverick County, (COE)

Dear Mr. McGregor:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Debra L. Beene, has completed its review. Because cultural resources were not found during the current investigation, we concur that the proposed project should not have an effect on historic properties eligible for inclusion in the National Register of Historic Places. However, a change is recommended on page 38 of the above referenced document. Please include buried cultural material including human remains within the discussion of procedures for unanticipated discoveries.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your assistance in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Debra L. Beene at 512/463-5865.**

Sincerely,

for
F. Lawerence Oaks, State Historic Preservation Officer

cc: Victor Palma, Project Manger, Ecological Communications Corporation
FLO/dlb

August 8, 2002

Victor Palma
Ecological Communications Corporation
3355 Bee Caves Road, Suite 700
Austin, TX 78746

RE: Proposed Eagle Pass U.S. Border Patrol Station, Maverick County

Dear Mr. Palma:

Thank you for coordinating with this agency in your planning activities regarding the construction of a U.S. Border Patrol Station in the City of Eagle Pass. Texas Parks and Wildlife Department (TPWD) staff has reviewed the Draft Environmental Assessment (DEA) and offer the following comments concerning the project.

The proposed project entails the construction of a U.S. Border Patrol Station on approximately 39 acres in the City of Eagle Pass. In addition to the proposed Border Patrol Station, the project would include the construction of vehicle maintenance facility, a fuel storage area, a kennel, an impound lot, and separate parking lots for employees, government vehicles, and the public. The project site was previously a cultivated agricultural field.

Section 3.5.2 of the DEA indicates that several species of hawks, unidentified sparrow- and warbler-like perching birds, and northern cardinals were observed at the project site during a February site visit. The DEA further states that all identified species were non-migratory permanent residents of the region. Red-tailed hawks (*Buteo jamaicensis*), Harris' hawks (*Parabuteo unicinctus*), northern cardinals (*Cardinalis cardinalis*), and most sparrow and warbler species are designated as migratory birds under the Migratory Bird Treaty Act (MBTA). The MBTA implicitly prohibits intentional and unintentional take of migratory birds, including their nests and eggs, except where permitted. Measures should be taken to ensure that migratory bird species within and near the project area are not adversely impacted by site clearing and construction activities. TPWD recommends contacting the U.S. Fish and Wildlife's Migratory Bird Office at (505) 248-7882 should any large flocks of birds occupy any habitat within the project area.

Impervious vehicular and pedestrian use areas should not impede natural surface water drainage. Stormwater runoff from these areas should be treated before discharging into nearby aquatic and wetland habitats. Soil erosion and siltation into any nearby aquatic and wetland habitats should be minimized using soil

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erosion prevention techniques. Natural buffers contiguous to wetlands and aquatic systems should remain undisturbed, to preserve wildlife cover, food sources, and travel corridors.

Removal of unique native vegetation should be avoided or minimized during project development. Losses should be minimized using site planning and construction techniques designed to avoid and preserve native trees, shrubs, grasses, and forbs. Should any losses be determined as unavoidable, landscaping plans should incorporate the use native species to attract birds and other wildlife. Attached is a list of plants native to the Eagle Pass area that would offer value to wildlife and would enhance the control of soil erosion within the project area.

I appreciate the opportunity to review and comment on this project. Please call me at (512) 389-4579 if we may be of further assistance.

Sincerely,

Danny Allen
Wildlife Habitat Assessment Program
Wildlife Division

Attachment

DLA:pmo.9330

SELECT SPECIES WITH ECO_CODE EQ SOUTH TEXAS PLAINS
AND WITH TOP_CODE EQ UPLAND

SPECI CODE	COMMON NAME.....	SCIENTIFIC NAME.....	WILDLIFE.. USE	EROSION... CONTROL
10	AGARITO	MAHONIA TRIFOLIOLATA	POOR	GOOD
238	ALLTHORN	KOEBERLINIA SPINOSA	POOR	FAIR
13	AMERICAN BEAUTYBERRY	CALLICARPA AMERICANA	EXCELLENT	EXCELLENT
51	AMERICAN ELDERBERRY	SAMBUCUS CANADENSIS	GOOD	EXCELLENT
158	ANACAHUITA WILD OLIV	CORDIA BOISSIERI	FAIR	FAIR
14	ANACUA	EHRETIA ANACUA	EXCELLENT	EXCELLENT
257	AUTUMN SAGE	SALVIA GREGGII	POOR	FAIR
228	AWNLESS BUSH SUNFLOW	SIMSIA CALVA	FAIR	FAIR
56	BIG BLUESTEM	ANDROPOGON GERARDII	GOOD	EXCELLENT
70	BIG SACATON	SPOROBOLUS WRIGHTII	GOOD	EXCELLENT
31	BLACK CHERRY	PRUNUS SEROTINA	GOOD	EXCELLENT
23	BLACK HICKORY (TEXAS	CARYA TEXANA	GOOD	GOOD
151	BLACKBRUSH	ACACIA RIGIDULA	FAIR	FAIR
213	BLUE SAGE	SALVIA AZUREA	FAIR	GOOD
260	BLUE SAGE (MEJORANA)	SALVIA BALLOTIFLORA	POOR	FAIR
15	BRASIL	CONDALIA HOOKERI	GOOD	GOOD
57	BROOMSEDGE BLUESTEM	ANDROPOGON VIRGINICUS	GOOD	EXCELLENT
62	BUFFALOGRASS	BUCHLOE DACTYLOIDES	GOOD	EXCELLENT
246	BUSHY KNOTWEED	POLYGONUM RAMOSISSIMUM	POOR	POOR
292	CAREX SPP.	SEDGES	GOOD	GOOD
156	CAROLINA SNAILSEED	COCCULUS CAROLINUS	GOOD	GOOD
293	CAT GREENBRIAR	SMILAX GLAUCA	GOOD	EXCELLENT
150	CATCLAW ACACIA	ACACIA GREGGII	FAIR	FAIR
77	CATCLAW SENSITIVEBRI	SCHRANKIA NUTTALLI	GOOD	GOOD
226	CEDAR ELM	ULMUS CRASSIFOLIA	FAIR	GOOD
255	CENTURY PLANT	AGAVE SPP.	FAIR	FAIR
261	CHOLLA	OPUNTIA (MULTIPLE SPECIES)	FAIR	FAIR
243	COBAEA PENSTEMON (FO	PENSTEMON COBAEA	FAIR	FAIR
123	COFFEE BEAN	SESBANIA MACROCARPA	EXCELLENT	EXCELLENT
187	COMMON BEEBUSH (WHIT	ALOYSIA GRATISSIMA	FAIR	GOOD
65	COMMON CURLYMESQUITE	HILARIA BERLANGERI	GOOD	EXCELLENT
97	COMMON HONEY LOCUST	GLEDITSIA TRIACANTHOS	GOOD	GOOD
262	COMMON LANTANA	LANTANA HORRIDA	POOR	FAIR
296	COMMON RAGWEED	AMBROSIA ARTEMISIIFOLIA	GOOD	FAIR
87	COMMON REED	PHRAGMITES AUSTRALIS	GOOD	EXCELLENT
73	COMMON TRUMPET-CREEP	CAMPSIS RADICANS	GOOD	EXCELLENT
297	COTTONWOOD	POPULUS DELTOIDES	GOOD	EXCELLENT
181	CREOSOTEBUSH	LARREA TRIDENTATA	FAIR	FAIR
2	CROTON, SPP.	CROTON, SPP.	EXCELLENT	EXCELLENT
193	DESERT OLIVE (NARROW	FORESTIERA ANGUSTIFOLIA	FAIR	POOR
220	DESERT YAUPON	SCHAEFFERIA CUNEIFOLIA	FAIR	POOR
190	ENGELMANN DAISY	ENGELMANNIA PINNATIFIDA	FAIR	GOOD

SELECT SPECIES WITH ECO_CODE EQ SOUTH TEXAS PLAINS
AND WITH TOP_CODE EQ UPLAND

SPECI CODE	COMMON NAME.....	SCIENTIFIC NAME.....	WILDLIFE.. USE	EROSION... CONTROL
208	EVERGREEN SUMAC	RHUS VIRENS	FAIR	FAIR
197	FALSE MESQUITE	CALLIANDRA CONFERTA	FAIR	GOOD
110	FARKLEBERRY (TREE HU	VACCINIUM ARBOREUM	GOOD	EXCELLENT
116	FEATHER DALEA	DALEA FORMOSA	GOOD	GOOD
147	FERN ACACIA (PRAIRIE	ACACIA ANGUSTISSIMA	FAIR	GOOD
45	FOURWING SALTBUSH	ATRIPLEX CANESCENS	GOOD	GOOD
170	GOATBUSH	CASTELA TEXANA	POOR	POOR
304	GREEN ASH (RED ASH)	FRAXINUS PENNSYLVANICA	GOOD	EXCELLENT
66	GREEN SPRANGLETOP	LEPTOCHLOA DUBIA	GOOD	EXCELLENT
149	GUAJILLO	ACACIA BERLANDIERI	GOOD	GOOD
270	GUAYACAN	GUAIACUM ANGUSTI-FOILIUM	FAIR	FAIR
20	GUM BUMELIA (CHITTAM	BUMELIA LANUGINOSA	GOOD	GOOD
61	HAIRY GRAMA	BOUTELOUA HIRSUTA	GOOD	GOOD
233	HEATH ASTER	ASTER ERICOIDES	FAIR	GOOD
126	HONEY MESQUITE	PROSOPIS GLANDULOSA VAR. GL	GOOD	EXCELLENT
152	HUISACHE	ACACIA SMALLII	FAIR	EXCELLENT
95	ILLINOIS BUNDLE FLOW	DESMANTHUS ILLINOENSIS	EXCELLENT	EXCELLENT
194	INDIAN BLANKET	GAILLARDIA PULCHELLA	FAIR	FAIR
171	INLAND CEANOTHUS (RE	CEANOTHUS HERBACEUS	GOOD	GOOD
272	KIDNEYWOOD	EYSENHARDTIA TEXANA	POOR	POOR
229	LIME PRICKLY-ASH	ZANTHOXYLUM FAGARA	POOR	POOR
68	LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM	GOOD	EXCELLENT
274	LITTLE-LEAF SUMAC	RHUS MICROPHYLLA	FAIR	FAIR
40	LIVE OAK	QUERCUS VIRGINIA	GOOD	GOOD
230	LOTEBUSH	ZIZYPHUS OBTUSIFOLIA	GOOD	GOOD
275	MESCALBEAN (TEXAS MO	SOPHORA SECUNDIFLORA	POOR	POOR
276	MEXICAN BUCKEYE (MON	UNGNADIA SPECIOSA	POOR	POOR
247	MEXICAN PRIMROSE	OENOTHERA SPECIOSA	POOR	GOOD
141	MUSTANG GRAPE	VITIS MUSTANGENSIS	GOOD	EXCELLENT
12	PARTRIDGE PEA (PRAIR	CHAMAECRISTA FASCICULATA	GOOD	EXCELLENT
71	PEPPERVINE	AMPELOPSIS ARBOREA	EXCELLENT	EXCELLENT
241	PLAINS COREOPSIS (GO	COREOPSIS TINCTORIA	FAIR	GOOD
316	POKEBERRY (POKEWEED)	PHYTOLACCA AMERICANA	FAIR	FAIR
199	PRAIRIE SUNFLOWER	HELIANTHUS PETIOLARIS	GOOD	FAIR
278	PRICKLYPEAR	OPUNTIA SPP.	FAIR	FAIR
318	REDROOT PIGWEED	AMARANTHUS RETROFLEXUS	FAIR	FAIR
155	ROUGH BUTTOMWEED (PO	DIODIA TERES	FAIR	FAIR
94	ROUGHLEAF DOGWOOD	CORNUS DRUMMONDII	GOOD	GOOD
279	SACAHUISTA (BEARGRAS	NOLINA SPP.	FAIR	GOOD
128	SAND DROPSEED	SPOROBOLUS CRYPTANDRUS	GOOD	EXCELLENT
191	SAND LOVEGRASS	ERAGROSTIS TRICHODES	GOOD	GOOD
222	SAW GREENBRIAR	SMILAX BONA-NOX	GOOD	GOOD

SELECT SPECIES WITH ECO_CODE EQ SOUTH TEXAS PLAINS
AND WITH TOP_CODE EQ UPLAND

SPECI CODE	COMMON NAME.....	SCIENTIFIC NAME.....	WILDLIFE.. USE	EROSION... CONTROL
59	SIDEOATS GRAMA	BOUTELOUA CURTIPENDULA	GOOD	EXCELLENT
179	SILVER BLUESTEM	BOTHRIOCHLOA LAGUROIDES	FAIR	GOOD
282	SKELETONLEAF GOLDEN-	VIGUIERA STENOLOBA	FAIR	GOOD
120	SLICK SEED WILDBEAN	STROPHOSTYLES LEIOSPERMA	FAIR	FAIR
109	SLIPPERY ELM	ULMUS RUBRA	GOOD	GOOD
99	SOUTHERN WAX-MYRTLE	MYRICA CERIFERA	GOOD	EXCELLENT
11	SPINY HACKBERRY (GRA	CELTIS PALLIDA	GOOD	GOOD
4	SWITCHGRASS	PANICUM VIRGATUM	EXCELLENT	EXCELLENT
177	TEXAS BLUEBONNET	LUPINUS TEXENSIS	FAIR	GOOD
157	TEXAS COLUBRINA	COLUBRINA TEXENSIS	FAIR	FAIR
165	TEXAS EBONY	PITHECELLOBIUM EBANO (P. FL	FAIR	EXCELLENT
322	TEXAS MULBERRY	MORUS MICROPHYLLA	GOOD	EXCELLENT
242	TEXAS PALOVERDE	PARKINSONIA TEXANA	POOR	POOR
25	TEXAS PERSIMMON	DIOSPYROS TEXANA	GOOD	EXCELLENT
323	TEXAS SIGNALGRASS (T	BRACHIARIA TEXANA	FAIR	GOOD
324	TRAILING WILDBEAN	STROPHOSTYLES HELVOLA	FAIR	FAIR
325	TROPIC CROTON	CROTON GLANDDULOSUS	FAIR	GOOD
206	UPRIGHT PRAIRIE CONE	RATIBIDA COLUMINFERA	FAIR	FAIR
75	VIRGINIA CREEPER	PARTHENOCISSUS QUINQUEFOLIA	GOOD	EXCELLENT
64	VIRGINIA WILDRYE	ELYMUS VIRGINICUS	GOOD	GOOD
201	WESTERN INDIGO (SCAR	INDIGOFERA MINIATA	FAIR	EXCELLENT
327	WESTERN RAGWEED	AMBROSIA CUMANENSIS	GOOD	FAIR
289	WESTERN SOAPBERRY	SAPINDUS SAPONARIA VAR. DRU	POOR	FAIR
329	WHITE CLOVER	TRIFOLIUM REPENS	GOOD	GOOD
50	YAUPON	ILEX VOMITORIA	EXCELLENT	EXCELLENT
3	YELLOW INDIANGRASS	SORGHASTRUM NUTANS	EXCELLENT	EXCELLENT

SELECT SPECIES WITH ECO_CODE EQ SOUTH TEXAS PLAINS
AND WITH TOP_CODE EQ BOTTOMLAND

SPECI CODE	COMMON NAME.....	SCIENTIFIC NAME.....	WILDLIFE.. USE	EROSION... CONTROL
13	AMERICAN BEAUTYBERRY	CALLICARPA AMERICANA	POOR	EXCELLENT
51	AMERICAN ELDERBERRY	SAMBUCUS CANADENSIS	GOOD	EXCELLENT
108	AMERICAN ELM	ULMUS AMERICANA	GOOD	GOOD
254	AMERICAN SYCAMORE	PLATANUS OCCIDENTALIS	FAIR	GOOD
14	ANACUA	EHRETIA ANACUA	EXCELLENT	EXCELLENT
42	BALDCYPRESS	TAXODIUM DISTICHUM	GOOD	GOOD
290	BARNYARD GRASS	ECHINOCHLOA CRUSGALLI VAR.	GOOD	FAIR
258	BEAKRUSH	RHYNCHOSPORA SPP.	POOR	POOR
244	BEARDED SPRANGLETOP	LEPTOCHLOA FASCICULARIS	FAIR	POOR
56	BIG BLUESTEM	ANDROPOGON GERARDII	GOOD	EXCELLENT
70	BIG SACATON	SPOROBOLUS WRIGHTII	GOOD	EXCELLENT
31	BLACK CHERRY	PRUNUS SEROTINA	GOOD	EXCELLENT
294	BLACK WILLOW	SALIX NIGRA	FAIR	EXCELLENT
18	BOXELDER	ACER NEGUNDO	GOOD	EXCELLENT
63	BROADLEAF WOODOATS	CHASMANTHIUM LATIFOLIUM	GOOD	EXCELLENT
57	BROOMSEDGE BLUESTEM	ANDROPOGON VIRGINICUS	GOOD	EXCELLENT
62	BUFFALOGRASS	BUCHLOE DACTYLOIDES	GOOD	EXCELLENT
246	BUSHY KNOTWEED	POLYGONUM RAMOSISSIMUM	POOR	POOR
292	CAREX SPP.	SEDGES	GOOD	GOOD
106	CAROLINA BUCKTHORN	RHAMNUS CAROLINIANA	GOOD	GOOD
156	CAROLINA SNAILSEED	COCCULUS CAROLINUS	GOOD	GOOD
293	CAT GREENBRIAR	SMILAX GLAUCA	GOOD	EXCELLENT
226	CEDAR ELM	ULMUS CRASSIFOLIA	FAIR	GOOD
123	COFFEE BEAN	SESBANIA MACROCARPA	EXCELLENT	EXCELLENT
46	COMMON BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS	GOOD	GOOD
97	COMMON HONEY LOCUST	GLEDITSIA TRIACANTHOS	GOOD	GOOD
87	COMMON REED	PHRAGMITES AUSTRALIS	GOOD	EXCELLENT
73	COMMON TRUMPET-CREEP	CAMPSIS RADICANS	GOOD	EXCELLENT
297	COTTONWOOD	POPULUS DELTOIDES	GOOD	EXCELLENT
298	COYOTE WILLOW (SANDB	SALIX EXIGUA	GOOD	EXCELLENT
2	CROTON, SPP.	CROTON, SPP.	EXCELLENT	EXCELLENT
334	CURLTOP SMARTWEED (W	POLYGONUM LAPTHIFOLIUM	FAIR	GOOD
133	DELTA ARROWHEAD	SAGITTARIA PLATYPHYLLA	GOOD	EXCELLENT
333	DUCKWEEDS	FAMILY LEMNACEAE	FAIR	POOR
88	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	GOOD	GOOD
110	FARKLEBERRY (TREE HU	VACCINIUM ARBOREUM	GOOD	EXCELLENT
266	FLATSLEDGE	CYPERUS SPP.	FAIR	POOR
304	GREEN ASH (RED ASH)	FRAXINUS PENNSYLVANICA	GOOD	EXCELLENT
20	GUM BUMELIA (CHITTAM	BUMELIA LANUGINOSA	GOOD	GOOD
152	HUISACHE	ACACIA SMALLII	FAIR	EXCELLENT
95	ILLINOIS BUNDLE FLOW	DESMANTHUS ILLINOENSIS	EXCELLENT	EXCELLENT
145	INDIGOBUSH (FALSE IN	AMORPHA FRUTICOSA	GOOD	GOOD

SELECT SPECIES WITH ECO_CODE EQ SOUTH TEXAS PLAINS
AND WITH TOP_CODE EQ BOTTOMLAND

SPECI CODE	COMMON NAME.....	SCIENTIFIC NAME.....	WILDLIFE.. USE	EROSION... CONTROL
229	LIME PRICKLY-ASH	ZANTHOXYLUM FAGARA	POOR	POOR
68	LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM	GOOD	EXCELLENT
141	MUSTANG GRAPE	VITIS MUSTANGENSIS	GOOD	EXCELLENT
12	PARTRIDGE PEA (PRAIR	CHAMAECRISTA FASCICULATA	GOOD	EXCELLENT
22	PECAN	CARYA ILLINOENSIS	EXCELLENT	EXCELLENT
81	PENNSYLVANIA SMARTWE	POLYGONUM PENSYLVANICUM	EXCELLENT	EXCELLENT
71	PEPPERVINE	AMPELOPSIS ARBOREA	EXCELLENT	EXCELLENT
241	PLAINS COREOPSIS (GO	COREOPSIS TINCTORIA	FAIR	GOOD
29	RED MULBERRY	MORUS RUBRA	GOOD	EXCELLENT
182	RICE CUTGRASS	LEERSIA ORYZOIDES	FAIR	GOOD
94	ROUGHLEAF DOGWOOD	CORNUS DRUMMONDII	GOOD	GOOD
128	SAND DROPSEED	SPOROBOLUS CRYPTANDRUS	GOOD	EXCELLENT
109	SLIPPERY ELM	ULMUS RUBRA	GOOD	GOOD
99	SOUTHERN WAX-MYRTLE	MYRICA CERIFERA	GOOD	EXCELLENT
285	SPIKERUSH	ELEOCHARIS SPP.	POOR	FAIR
4	SWITCHGRASS	PANICUM VIRGATUM	EXCELLENT	EXCELLENT
165	TEXAS EBONY	PITHECELLOBIUM EBANO (P. FL	FAIR	EXCELLENT
25	TEXAS PERSIMMON	DIOSPYROS TEXANA	GOOD	EXCELLENT
67	VINE-MESQUITE	PANICUM OBTUSUM	GOOD	EXCELLENT
75	VIRGINIA CREEPER	PARTHENOCISSUS QUINQUEFOLIA	GOOD	EXCELLENT
64	VIRGINIA WILDRYE	ELYMUS VIRGINICUS	GOOD	GOOD
50	YAUPON	ILEX VOMITORIA	EXCELLENT	EXCELLENT
3	YELLOW INDIANGRASS	SORGHASTRUM NUTANS	EXCELLENT	EXCELLENT
331	YELLOW NUTGRASS (CHU	CYPERUS ESCULENTUS	EXCELLENT	GOOD

SELECT SPECIES WITH ECO_CODE EQ SOUTH TEXAS PLAINS
AND WITH TOP_CODE EQ WETLAND

SPECI CODE	COMMON NAME.....	SCIENTIFIC NAME.....	WILDLIFE.. USE	EROSION... CONTROL
216	ALKALI BULRUSH	SCIRPUS ROBUSTUS	POOR	EXCELLENT
51	AMERICAN ELDERBERRY	SAMBUCUS CANADENSIS	GOOD	EXCELLENT
42	BALDCYPRESS	TAXODIUM DISTICHUM	GOOD	GOOD
258	BEAKRUSH	RHYNCHOSPORA SPP.	POOR	POOR
244	BEARDED SPRANGLETOP	LEPTOCHLOA FASCICULARIS	FAIR	POOR
294	BLACK WILLOW	SALIX NIGRA	FAIR	EXCELLENT
18	BOXELDER	ACER NEGUNDO	GOOD	EXCELLENT
63	BROADLEAF WOODOATS	CHASMANTHIUM LATIFOLIUM	GOOD	EXCELLENT
292	CAREX SPP.	SEDGES	GOOD	GOOD
123	COFFEE BEAN	SESBANIA MACROCARPA	EXCELLENT	EXCELLENT
46	COMMON BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS	GOOD	GOOD
97	COMMON HONEY LOCUST	GLEDITSIA TRIACANTHOS	GOOD	GOOD
87	COMMON REED	PHRAGMITES AUSTRALIS	GOOD	EXCELLENT
73	COMMON TRUMPET-CREEP	CAMPSIS RADICANS	GOOD	EXCELLENT
297	COTTONWOOD	POPULUS DELTOIDES	GOOD	EXCELLENT
334	CURLTOP SMARTWEED (W	POLYGONUM LAPTHIFOLIUM	FAIR	GOOD
133	DELTA ARROWHEAD	SAGITTARIA PLATYPHYLLA	GOOD	EXCELLENT
79	DOTTED SMARTWEED	POLYGONUM PUNCTATUM	GOOD	EXCELLENT
333	DUCKWEEDS	FAMILY LEMNACEAE	FAIR	POOR
88	EASTERN GAMAGRASS	TRIPSACUM DACTYLOIDES	GOOD	GOOD
266	FLATSLEDGE	CYPERUS SPP.	FAIR	POOR
152	HUISACHE	ACACIA SMALLII	FAIR	EXCELLENT
145	INDIGOBUSH (FALSE IN	AMORPHA FRUTICOSA	GOOD	GOOD
311	MARSHMILLET (GIANT C	ZIZANIOPSIS MILIACEA	FAIR	EXCELLENT
22	PECAN	CARYA ILLINOENSIS	EXCELLENT	EXCELLENT
81	PENNSYLVANIA SMARTWE	POLYGONUM PENSYLVANICUM	EXCELLENT	EXCELLENT
71	PEPPERVINE	AMPELOPSIS ARBOREA	EXCELLENT	EXCELLENT
218	PURSLANE SESUVIUM	SESUVIUM PORTULACASTRUM	POOR	POOR
182	RICE CUTGRASS	LEERSIA ORYZOIDES	FAIR	GOOD
94	ROUGHLEAF DOGWOOD	CORNUS DRUMMONDII	GOOD	GOOD
217	SOFTSTEM BULRUSH	SCIRPUS TABERNAEMONTANI (S.	GOOD	EXCELLENT
99	SOUTHERN WAX-MYRTLE	MYRICA CERIFERA	GOOD	EXCELLENT
285	SPIKERUSH	ELEOCHARIS SPP.	POOR	FAIR
82	STOUT SMARTWEED	POLYGONUM DENSIFLORUM	EXCELLENT	EXCELLENT
76	SWAMP SMARTWEED	POLYGONUM HYDROPIPEROIDES	GOOD	EXCELLENT
4	SWITCHGRASS	PANICUM VIRGATUM	EXCELLENT	EXCELLENT
67	VINE-MESQUITE	PANICUM OBTUSUM	GOOD	EXCELLENT
75	VIRGINIA CREEPER	PARTHENOCISSUS QUINQUEFOLIA	GOOD	EXCELLENT
64	VIRGINIA WILDRYE	ELYMUS VIRGINICUS	GOOD	GOOD
80	WATER SMARTWEED	POLYGONUM AMPHIBIUM	EXCELLENT	EXCELLENT
50	YAUPON	ILEX VOMITORIA	EXCELLENT	EXCELLENT
331	YELLOW NUTGRASS (CHU	CYPERUS ESCULENTUS	EXCELLENT	GOOD

PUBLISHER'S AFFIDAVIT

The State of Texas
County of Maverick

On this 1st day of August, 2002 personally appeared before me, the undersigned, a Notary Public in and for said county and state, Rex McBeath, publisher of the Eagle Pass News-Guide, a newspaper published at Eagle Pass, County of Maverick, State of Texas, who, being by me duly sworn, on oath, states, that the attached advertisement, a true copy of which is hereto annexed, was published in said newspaper on (3) three issues hereof of the following dates July 4-11-18, 2002 and the rate charged does not exceed the lowest rate charged by this publication for classified advertising nor rate charged commercial customers for similar advertising.

Rex McBeath

Publisher

Subscribed and sworn to before me, this the 1st day of August, 2002.

Maria Carolina Garcia

Notary Public, Maverick County, Texas

NOTARY PUBLIC STATE OF TEXAS
MARIA CAROLINA GARCIA
Notary Public
State of Texas
My Comm. Exp. 04-21-2005

PUBLIC NOTICE

Notice of Availability

Interested parties are hereby notified that the Immigration and Naturalization Service has prepared an Environmental Assessment for the construction of a new building to be utilized as office space for the United States Border (USBP) Patrol Del Rio Sector in Eagle Pass, Maverick County, Texas. This notice is being issued to interested parties in accordance with the National Environment Policy Act (NEPA), Public Law 91-190, and regulations for implementing the Procedural Provisions of the NEPA, 40 Code of Federal Regulations 1500-1508. The purpose of the Proposed Action is to construct new office space for the Anti-Smuggling Unit of the USBP of the Del Rio Sector.

The EA is available for public inspection beginning July 1, 2002 and ending July 30, 2002. Comments will be accepted for the same 30-day period. The document is available for public viewing at the Eagle Pass Public Library located at 589 East Main Street in Eagle Pass, Texas.

All questions and comments regarding the Environmental Assessment should be directed, in writing, to the following:

Mr. Charles McGregor
U.S. Army Corps of Engineers
Fort Worth District
Attn: CESWF-EV-EE
Room 3A14
819 Taylor Street
Fort Worth, Texas 76102-0300

For further information, contact the Fort Worth District, Corps of Engineers, Technical Manager, Mr. Charles McGregor, at (817) 886-1708.

4-3THc